



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 15 2016

CERTIFIED MAIL 7015 1730 0001 8044 2685  
RETURN RECEIPT REQUESTED

Mr. George McGuffin  
Board Chairman, Morristown Utility Systems  
P.O. Box 667  
441 West Main Street  
Morristown, Tennessee 37814-0667

Re: Notice of Violation No.: 309-2016-05  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: TN0023507  
Turkey Creek Wastewater Treatment Plant

Dear Mr. McGuffin:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(1), the United States Environmental Protection Agency Region 4 hereby notifies the City of Morristown (the City) that it has violated its National Pollutant Discharge Elimination System (NPDES) Permit No.: TN0023507 for the Turkey Creek Wastewater Treatment Plant (the Plant). Specifically, the City's Plant has violated the Permit's effluent limits for Biochemical Oxygen Demand, Total Suspended Solids, E. coli, and Settleable Solids as listed in the Enclosure.

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from November 1, 2015, to the present, and provide a summary of actions taken or planned by the City to correct the problems and prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

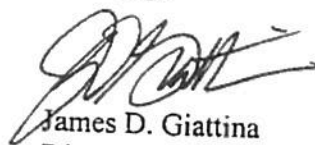
Ms. Laurie Jones  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of Tennessee is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Mr. Maurice Horsey at (404) 562-9764 or by email at [horsey.maurice@epa.gov](mailto:horsey.maurice@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', with a stylized flourish at the end.

James D. Giattina  
Director

Water Protection Division

Enclosure

cc: Ms. Tisha Calabrese Benton  
Tennessee Department of Environment and Conservation

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

3/1/2011 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0023507

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
Morristown Wastewater Treatment	0	Major	9/1/15	10/1/15	9/30/19
Morristown Wastewater Treatment	3	Major	3/31/09	5/1/09	3/31/14

Version # 0

Outfall 001G

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/15	9/30/19	COMPOS	Five per Week

Limit			
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	DAILY MX
Limit Value	30	40	45
DMR Values			
10/31/15	48	48	48
10/31/15	70	70	70
10/31/15	97	97	97
11/30/15	128	128	128
11/30/15	38	38	38
11/30/15	62	62	62

Version # 3

Outfall 001G

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	COMPOS	Five per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	1877	3670	30	40	45
DMR Values					
3/31/11	137	137	137	137	137
4/30/11	45	45	45	45	45
1/31/12	32	32	32	32	32
1/31/12	67	67	67	67	67
2/29/12	2041	2041	2041	2041	2041
2/29/12	37	37	37	37	37
2/29/12	47	47	47	47	47
2/29/12	86	86	86	86	86
8/31/12	73	73	73	73	73
10/31/12	65	65	65	65	65
12/31/12	48	48	48	48	48
1/31/14	105	105	105	105	105
1/31/14	33	33	33	33	33
1/31/14	55	55	55	55	55

2/26/16 9:31 PM



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

3/1/2011 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0023507

Version # 3

Outfall 001G

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base

DMR Values					
2/28/14	35	35	35		
2/28/14	57	57	57	35	35
3/31/14	53	53	53	57	57
4/30/14	62	62	62	53	53
6/30/14	44	44	44	62	62
6/30/14	51	51	51	44	44
8/31/14	48	48	48	51	51
9/30/14	150	150	150	48	48
9/30/14	32	32	32	150	150
9/30/14	55	55	55	32	32
10/31/14	58	58	58	55	55
11/30/14	51	51	51	58	58
12/31/14	34	34	34	51	51
12/31/14	69	69	69	34	34
12/31/14	81	81	81	69	69
1/31/15	68	68	68	81	81
2/28/15	145	145	145	68	68
2/28/15	47	47	47	145	145
2/28/15	76	76	76	47	47
3/31/15	135	135	135	76	76
3/31/15	210	210	210	135	135
3/31/15	3497	3497	3497	210	210
3/31/15	62	62	62	3497	3497
3/31/15	8593	8593	8593	62	62
4/30/15	1912	1912	1912	8593	8593
4/30/15	45	45	45	1912	1912
4/30/15	67	67	67	45	45
4/30/15	94	94	94	67	67
6/30/15	155	155	155	94	94
6/30/15	36	36	36	155	155
6/30/15	50.6	50.6	50.6	36	36
7/31/15	50	50	50	50.6	50.6
7/31/15	86	86	86	50	50
8/31/15	119	119	119	86	86
8/31/15	157	157	157	119	119
8/31/15	2407	2407	2407	157	157
8/31/15	4118	4118	4118	2407	2407
8/31/15	65	65	65	4118	4118
9/30/15	57	57	57	65	65
				57	57



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

3/1/2011 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0023507

Version # 3

Outfall 001G

00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	COMPOS	Five per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	1877	3670	30	40	45
DMR Values					
4/30/11	57	57	57	57	57
3/31/14	58	58	58	58	58
4/30/14	34	34	34	34	34
4/30/14	41	41	41	41	41
4/30/14	55	55	55	55	55
6/30/14	52	52	52	52	52
7/31/14	118	118	118	118	118
8/31/14	36	36	36	36	36
8/31/14	46	46	46	46	46
8/31/14	88	88	88	88	88
9/30/14	81	81	81	81	81
10/31/14	56	56	56	56	56
12/31/14	48	48	48	48	48
2/28/15	40	40	40	40	40
2/28/15	54	54	54	54	54
2/28/15	61	61	61	61	61
3/31/15	12745	12745	12745	12745	12745
3/31/15	187	187	187	187	187
3/31/15	380	380	380	380	380
3/31/15	4797	4797	4797	4797	4797
3/31/15	82	82	82	82	82
4/30/15	135	135	135	135	135
4/30/15	2321	2321	2321	2321	2321
4/30/15	56	56	56	56	56
4/30/15	83	83	83	83	83
5/31/15	42	42	42	42	42
5/31/15	55	55	55	55	55
8/31/15	48	48	48	48	48

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

3/1/2011 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0023507

Version # 3

Outfall 001G

00545 Solids, settleable / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milliliters per Liter
Statistical Base	DAILY MX
Limit Value	1
DMR Values	
7/31/14	26
11/30/14	84
3/31/15	90

31648 E. coli, MTEC-MF / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Number per 100 Milliliters
Statistical Base	DAILY MX
Limit Value	487
DMR Values	
6/30/14	691
7/31/14	1011
10/31/14	1989
11/30/14	1011
3/31/15	2420
4/30/15	2420
5/31/15	525
7/31/15	2420

**DMR Effluent Violations and Nonreceipt**  
**\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\***  
**3/1/2011 12:00:00 AM to 1/31/2016 12:00:00 AM**

**Permit TN0023507**

Version # 3

Outfall 001G

**81010 BOD, 5-day, percent removal / Location K / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	CALCTD	Five per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
<b>DMR Values</b>		
2/29/12	84	84
3/31/12	26	26
2/28/15	82	82
3/31/15		
3/31/15	80	80
4/30/15	83	83
6/30/15	27	27
8/31/15	37	37
8/31/15	77	77

**81011 Solids, suspended percent removal / Location K / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/09	3/31/14	CALCTD	Five per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
<b>DMR Values</b>		
3/31/11	19	19
12/31/11	39	39
3/31/12		
4/30/14	84	84
8/31/14	14	14
8/31/14	78	78
2/28/15	78	78
3/31/15		
3/31/15	77	77
4/30/15	80	80





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 15 2016

CERTIFIED MAIL 70151730 0001 8044 2678  
RETURN RECEIPT REQUESTED

Ms. Tisha Calabrese Benton  
Director, Division of Water Resources  
Tennessee Department of Environment and Conservation  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243

Re: Notice of Violation No.: 309-2016-05  
National Pollutant Discharge Elimination System Permit No.: TN0023507  
Turkey Creek Wastewater Treatment Plant

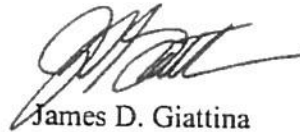
Dear Ms. Benton:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4, has determined that the City of Morristown (City) is in violation of its National Pollutant Discharge Elimination System Permit No.: TN0023507 (Permit) for the Turkey Creek Wastewater Treatment Plant and has violated, at a minimum, effluent requirements for the parameters summarized here: Biochemical Oxygen Demand, Total Suspended Solids, E. coli, and Settleable Solids. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of Tennessee (State) commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this notice, please contact Mr. Maurice Horsey, of my staff, at (404) 562-9764 or via e-mail at [Horsey.Maurice@epa.gov](mailto:Horsey.Maurice@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', with a stylized flourish at the end.

James D. Giattina  
Director  
Water Protection Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2016

CERTIFIED MAIL 7015 1730 0001 8044 2791

RETURN RECEIPT REQUESTED

Ms. Tisha Calabrese Benton  
Director, Division of Water Resources  
Tennessee Department of Environment & Conservation  
William R. Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243

Re: Notice of Violation No.: 309-2016-06  
National Pollutant Discharge Elimination System Permit No.: TN0021199  
Jefferson City Sewage Treatment Plant

Dear Ms. Benton:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4 has determined that the Jefferson City Public Works and Utilities (Utility) is in violation of its National Pollutant Discharge Elimination System (Permit) Permit No.: TN0021199 for the Jefferson City Sewage Treatment Plant. The Utility has violated, at a minimum, effluent requirements for the parameters listed in the Enclosure summarized here: Dissolved Oxygen, 5-Day Biological Oxygen Demand, pH, Total Suspended Solids, Settleable Solids, E. coli, Total Residual Chlorine and Percent Removal 5-Day Biological Oxygen Demand. The EPA is simultaneously notifying the Utility of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the Utility is enclosed for your convenience and record.

If the State of Tennessee commences appropriate action within 30 days of receipt of this letter to ensure that the Utility achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the Utility to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the Utility achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

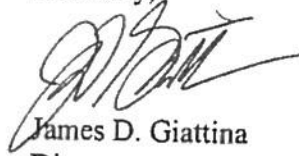
Internet Address (URL) • <http://www.epa.gov>

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If you have questions regarding this notice, please feel free to contact Mr. Maurice Horsey, Chief of the Municipal and Industrial Enforcement Section, at (404) 562-9764 or by e-mail at [horsey.maurice@epa.gov](mailto:horsey.maurice@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', with a stylized flourish extending from the end.

James D. Giattina  
Director

Water Protection Division

Enclosure

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
JEFFERSON CITY STP	0	Major	5/30/09	7/1/09	5/31/14

Version # 0

Outfall 001G

00300 Oxygen, dissolved [DO] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MIN
Limit Value	5
DMR Values	
8/31/13	4.86
5/31/14	3.79
8/31/14	3.38

**DMR Effluent Violations and Nonreceipt**  
 \*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*  
 1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	COMPOS	Three per Week

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	WKLY AVG	DAILY MX
Limit Value	250	334	40	45
<b>DMR Values</b>				
2/29/12	290	290	290	290
3/31/12	273	273	273	273
7/31/12	270	270	270	270
7/31/12	433	433	433	433
7/31/12	52	52	52	52
1/31/13	370	370	370	370
1/31/13	544	544	544	544
2/28/13	391	391	391	391
2/28/13	41	41	41	41
2/28/13	56	56	56	56
2/28/13	654	654	654	654
3/31/13	321	321	321	321
3/31/13	372	372	372	372
4/30/13	281	281	281	281
4/30/13	357	357	357	357
6/30/13	314	314	314	314
6/30/13	359	359	359	359
7/31/13	384	384	384	384
7/31/13	42	42	42	42
7/31/13	601	601	601	601
2/28/15	273	273	273	273
2/28/15	383	383	383	383
3/31/15	263	263	263	263
3/31/15	361	361	361	361
4/30/15	281	281	281	281
4/30/15	336	336	336	336
11/30/15	265	265	265	265
12/31/15	385	385	385	385
12/31/15	582	582	582	582



**DMR Effluent Violations and Nonreceipt**  
 \*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*  
 1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00400 pH / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit		
Limit Unit Desc	Standard Units	Standard Units
Statistical Base	MINIMUM	MAXIMUM
Limit Value	6	9
<b>DMR Values</b>		
9/30/12	5.09	5.09
10/31/12	5.18	5.18
12/31/12	5.97	5.97
1/31/13	5.41	5.41
2/28/13	5.37	5.37
3/31/13	5.18	5.18
4/30/13	5.32	5.32
7/31/13	5.97	5.97
8/31/13	5.72	5.72
4/30/14	5.88	5.88
12/31/14	10.63	10.63

00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	COMPOS	Three per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	250	334	30	40	45
<b>DMR Values</b>					
2/29/12	48	48	48	48	48
3/31/12	320	320	320	320	320
3/31/12	483	483	483	483	483
7/31/12	46	46	46	46	46
10/31/12	46	46	46	46	46
12/31/12	267	267	267	267	267
12/31/12	47	47	47	47	47
1/31/13	33	33	33	33	33
1/31/13	474	474	474	474	474
1/31/13	636	636	636	636	636
2/28/13	1140	1140	1140	1140	1140
2/28/13	136	136	136	136	136
2/28/13	37	37	37	37	37
2/28/13	557	557	557	557	557
2/28/13	71	71	71	71	71
3/31/13	413	413	413	413	413
3/31/13	482	482	482	482	482
4/30/13	362	362	362	362	362

3/2/16 10:44 PM

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00530 Solids, total suspended / Location 1 / Season 0 / Base

DMR Values					
4/30/13	421	421	421	421	421
4/30/13	53	53	53	53	53
5/31/13	358	358	358	358	358
5/31/13	41	41	41	41	41
5/31/13	501	501	501	501	501
5/31/13	71	71	71	71	71
6/30/13	350	350	350	350	350
6/30/13	449	449	449	449	449
7/31/13	293	293	293	293	293
7/31/13	382	382	382	382	382
8/31/13	270	270	270	270	270
8/31/13	48	48	48	48	48
12/31/13	262	262	262	262	262
12/31/13	339	339	339	339	339
4/30/14	79	79	79	79	79
10/31/14	337	337	337	337	337
12/31/14	277	277	277	277	277
2/28/15	346	346	346	346	346
2/28/15	49.67	49.67	49.67	49.67	49.67
2/28/15	708	708	708	708	708
2/28/15	99	99	99	99	99
3/31/15	318	318	318	318	318
3/31/15	45.33	45.33	45.33	45.33	45.33
3/31/15	643	643	643	643	643
3/31/15	79	79	79	79	79
4/30/15	33	33	33	33	33
4/30/15	449	449	449	449	449
4/30/15	462	462	462	462	462
4/30/15	57	57	57	57	57
5/31/15	350	350	350	350	350
5/31/15	48	48	48	48	48
5/31/15	480	480	480	480	480
8/31/15	281	281	281	281	281
8/31/15	450	450	450	450	450
8/31/15	50	50	50	50	50
9/30/15	101	101	101	101	101
9/30/15	59	59	59	59	59
9/30/15	622	622	622	622	622
9/30/15	85.33	85.33	85.33	85.33	85.33
9/30/15	979	979	979	979	979
10/31/15	109.67	109.67	109.67	109.67	109.67
10/31/15	1217	1217	1217	1217	1217
10/31/15	147	147	147	147	147
10/31/15	56	56	56	56	56
10/31/15	601	601	601	601	601
11/30/15	49	49	49	49	49
11/30/15	549	549	549	549	549

3/2/16 10:44 PM

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00530 Solids, total suspended / Location 1 / Season 0 / Base

DMR Values					
11/30/15	60	60	60	60	60
11/30/15	678	678	678	678	678
11/30/15	92	92	92	92	92
12/31/15	53	53	53	53	53
12/31/15	58.67	58.67	58.67	58.67	58.67
12/31/15	703	703	703	703	703
12/31/15	715	715	715	715	715
12/31/15	73	73	73	73	73
1/31/16	297	297	297	297	297
1/31/16	449	449	449	449	449

00545 Solids, settleable / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milliliters per Liter
Statistical Base	DAILY MX
Limit Value	1
DMR Values	
3/31/12	1.5
1/31/14	6

31648 E. coli, MTEC-MF / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Three per Week

Limit	
Limit Unit Desc	Number per 100 Milliliters
Statistical Base	DAILY MX
Limit Value	487
DMR Values	
11/30/13	601.5
1/31/14	509.9
12/31/15	870.4



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

50060 Chlorine, total residual / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MAX
Limit Value	.06
DMR Values	
4/30/13	.08
8/31/13	.08
10/31/13	.07
9/30/14	.08
11/30/14	.07

81010 BOD, 5-day, percent removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
2/28/15	79	79
4/30/15	39	39
5/31/15	81	81
12/31/15	72	72



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

81011 Solids, suspended percent removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
1/31/13	82	82
2/28/13	80	80
3/31/13	84	84
7/31/13	84	84
1/31/14	83	83
2/28/15	82	82
10/31/15	38	38
10/31/15	72	72
11/30/15	15	15
11/30/15	82	82
12/31/15	69	69

TRP3B IC25 Static Renewal 7 Day Chronic Chrceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	COMPOS	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	MINIMUM
Limit Value	33
DMR Values	
10/31/13	3.61



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2016

CERTIFIED MAIL 7015 1730 0001 8044 2784

RETURN RECEIPT REQUESTED

Mr. Porter Massengill  
Superintendent of Public Works  
Jefferson City Sewage Treatment Plant  
Post Office Box 530  
Jefferson City, Tennessee 37760

Re: Notice of Violation No.: 309-2016-06  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: TN0021199  
Jefferson City Sewage Treatment Plant

Dear Mr. Massengill:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the Jefferson City Public Works and Utilities (Utility) that it has violated its National Pollutant Discharge Elimination System Permit No.: TN0021199 (Permit) for the Jefferson City Sewage Treatment Plant. Specifically, the Jefferson City Sewage Treatment Plant has violated effluent requirements for the parameters and months listed in the Enclosure

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the Utility provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from January 31, 2016, to the present, and provide a summary of actions taken or planned by the Utility to correct the problems and to prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

The Utility must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

Ms. Alya Singh-White  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of Tennessee is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the Utility fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an

administrative order, assessment of administrative penalties, or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Ms. Alya Singh-White at (404) 562-9339 or by e-mail at [singh-white.alya@epa.gov](mailto:singh-white.alya@epa.gov).

Sincerely,

James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: Ms. Tisha Calabrese Benton  
Tennessee Department of Environment and Conservation

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

## Permit TN0021199

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
JEFFERSON CITY STP	0	Major	5/30/09	7/1/09	5/31/14

Version # 0

Outfall 001G

00300 Oxygen, dissolved [DO] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MIN
Limit Value	5
DMR Values	
8/31/13	4.86
5/31/14	3.79
8/31/14	3.38



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	COMPOS	Three per Week

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	WKLY AVG	DAILY MX
Limit Value	250	334	40	45
DMR Values				
2/29/12	290	290	290	290
3/31/12	273	273	273	273
7/31/12	270	270	270	270
7/31/12	433	433	433	433
7/31/12	52	52	52	52
1/31/13	370	370	370	370
1/31/13	544	544	544	544
2/28/13	391	391	391	391
2/28/13	41	41	41	41
2/28/13	56	56	56	56
2/28/13	654	654	654	654
3/31/13	321	321	321	321
3/31/13	372	372	372	372
4/30/13	281	281	281	281
4/30/13	357	357	357	357
6/30/13	314	314	314	314
6/30/13	359	359	359	359
7/31/13	384	384	384	384
7/31/13	42	42	42	42
7/31/13	601	601	601	601
2/28/15	273	273	273	273
2/28/15	383	383	383	383
3/31/15	263	263	263	263
3/31/15	361	361	361	361
4/30/15	281	281	281	281
4/30/15	336	336	336	336
11/30/15	285	265	265	265
12/31/15	385	385	385	385
12/31/15	582	582	582	582

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00400 pH / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit		
Limit Unit Desc	Standard Units	Standard Units
Statistical Base	MINIMUM	MAXIMUM
Limit Value	6	9
<b>DMR Values</b>		
9/30/12	5.09	5.09
10/31/12	5.18	5.18
12/31/12	5.97	5.97
1/31/13	5.41	5.41
2/28/13	5.37	5.37
3/31/13	5.18	5.18
4/30/13	5.32	5.32
7/31/13	5.97	5.97
8/31/13	5.72	5.72
4/30/14	5.88	5.88
12/31/14	10.63	10.63

00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	COMPOS	Three per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	250	334	30	40	45
<b>DMR Values</b>					
2/29/12	48	48	48	48	48
3/31/12	320	320	320	320	320
3/31/12	483	483	483	483	483
7/31/12	46	46	46	46	46
10/31/12	46	46	46	46	46
12/31/12	267	267	267	267	267
12/31/12	47	47	47	47	47
1/31/13	33	33	33	33	33
1/31/13	474	474	474	474	474
1/31/13	636	636	636	636	636
2/28/13	1140	1140	1140	1140	1140
2/28/13	136	136	136	136	136
2/28/13	37	37	37	37	37
2/28/13	557	557	557	557	557
2/28/13	71	71	71	71	71
3/31/13	413	413	413	413	413
3/31/13	482	482	482	482	482
4/30/13	362	362	362	362	362

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# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

00530 Solids, total suspended / Location 1 / Season 0 / Base

DMR Values					
4/30/13	421	421	421	421	421
4/30/13	53	53	53	53	53
5/31/13	358	358	358	358	358
5/31/13	41	41	41	41	41
5/31/13	501	501	501	501	501
5/31/13	71	71	71	71	71
6/30/13	350	350	350	350	350
6/30/13	449	449	449	449	449
7/31/13	293	293	293	293	293
7/31/13	382	382	382	382	382
8/31/13	270	270	270	270	270
8/31/13	48	48	48	48	48
12/31/13	262	262	262	262	262
12/31/13	339	339	339	339	339
4/30/14	79	79	79	79	79
10/31/14	337	337	337	337	337
12/31/14	277	277	277	277	277
2/28/15	346	346	346	346	346
2/28/15	49.67	49.67	49.67	49.67	49.67
2/28/15	708	708	708	708	708
2/28/15	99	99	99	99	99
3/31/15	318	318	318	318	318
3/31/15	45.33	45.33	45.33	45.33	45.33
3/31/15	643	643	643	643	643
3/31/15	79	79	79	79	79
4/30/15	33	33	33	33	33
4/30/15	449	449	449	449	449
4/30/15	462	462	462	462	462
4/30/15	57	57	57	57	57
5/31/15	350	350	350	350	350
5/31/15	48	48	48	48	48
5/31/15	480	480	480	480	480
8/31/15	281	281	281	281	281
8/31/15	450	450	450	450	450
8/31/15	50	50	50	50	50
9/30/15	101	101	101	101	101
9/30/15	59	59	59	59	59
9/30/15	622	622	622	622	622
9/30/15	85.33	85.33	85.33	85.33	85.33
9/30/15	979	979	979	979	979
10/31/15	109.67	109.67	109.67	109.67	109.67
10/31/15	1217	1217	1217	1217	1217
10/31/15	147	147	147	147	147
10/31/15	56	56	56	56	56
10/31/15	601	601	601	601	601
11/30/15	49	49	49	49	49
11/30/15	549	549	549	549	549



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0021199

Version # 0

Outfall 001G

## 00530 Solids, total suspended / Location 1 / Season 0 / Base

DMR Values					
11/30/15	60	60	60	60	60
11/30/15	678	678	678	678	678
11/30/15	92	92	92	92	92
12/31/15	53	53	53	53	53
12/31/15	58.67	58.67	58.67	58.67	58.67
12/31/15	703	703	703	703	703
12/31/15	715	715	715	715	715
12/31/15	73	73	73	73	73
1/31/16	297	297	297	297	297
1/31/16	449	449	449	449	449

## 00545 Solids, settleable / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Five per Week

Limit	
Limit Unit Desc	Milliliters per Liter
Statistical Base	DAILY MX
Limit Value	1
DMR Values	
3/31/12	1.5
1/31/14	6

## 31648 E. coli, MTEC-MF / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
7/1/09	5/31/14	GRAB	Three per Week

Limit	
Limit Unit Desc	Number per 100 Milliliters
Statistical Base	DAILY MX
Limit Value	487
DMR Values	
11/30/13	601.5
1/31/14	509.9
12/31/15	870.4







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2016

CERTIFIED MAIL 7007 2680 0000 3272 0279  
RETURN RECEIPT REQUESTED

Mr. Richard Woodley, Vice President of Construction  
Standard Pacific  
405 N. Reo Street, Suite 330  
Tampa, Florida 33609

Re: Notice of Violation, Opportunity to Show Cause  
National Pollutant Discharge Elimination System Permit No.: FLR100000  
Waterleaf – Phases 1 & 2, Hillsborough County (FLR10NU86)

Dear Mr. Woodley:

On March 24, 2015, the U.S. Environmental Protection Agency Region 4 conducted a Compliance Stormwater Evaluation Inspection (CSWEI) at the construction site located west of Balm-Riverview Road on Big Bend Road, Riverview, Hillsborough County, Florida (Site), known as "Waterleaf – Phases 1 & 2," for which Standard Pacific is the owner and Operator. The purpose of the CSWEI was to evaluate Standard Pacific's compliance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the Florida Department of Environmental Protection's *Generic Permit for Stormwater Discharge from Large and Small Construction Activities*, Permit No. FLR100000 (Permit), effective February 17, 2009.

The CSWEI, as described in the enclosed report, Permittee's response to the EPA's June 2, 2015 CWA Section 308 Information Request, and subsequent investigative efforts by the EPA have revealed that Standard Pacific failed to comply with the requirements of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), and its implementing regulations at 40 C.F.R. § 122.26, and the Permit. The EPA hereby notifies Standard Pacific pursuant to Section 309(a)(1) of the CWA, 33 U.S.C. § 1319(a)(1) that the following Permit provisions have been violated:

1. *"A copy of the NOI or letter from DEP confirming coverage under this generic permit shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit)" in accordance with Part III.C.2.*  
During the government's inspection there was not a NOI posted (see inspection report Section 1 and photo DSCN1326).
2. *"Except as provided in paragraphs I.B.2. and IV.A.3., all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity" in accordance with Part IV.A.1.*

The EPA documented turbidity being discharged from the pond outfall (see inspection report Section 6 and photo DSCN1371).

3. *"Facilities must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this permit"* in accordance with Part V.A.  
During the inspection the EPA documented inlet protection in need of maintenance, down and damaged silt fencing, port-o-lets too close to curbs, and tracking on the streets (see inspection report Section 6 that refers to these violations, photos DSCN1306, DSCN1307, DSCN1309, DSCN1310, DSCN1312, DSCN1313, DSCN1315, DSCN1316, DSCN1317, DSCN1318, DSCN1319, DSCN1322, DSCN1366, and DSCN1369).
4. *"The pollution prevention plan shall: be completed (including certification by the operator in accordance with Part VII.C.) prior to the submittal of an NOI to be covered under this permit and updated as appropriate"* in accordance with Part V.B.1.a.  
The Owner/Operator Certification by Richard Woodley submitted in response to the 308 information request is not dated.
5. *"The plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the stormwater pollution prevention plan"* in accordance with Part V.C.1.  
Standard Pacific has failed to amend the Plan as needed to identify contractors that implement measures of the Plan. The 308 information request asked for information regarding contractors that have operated on the site and a copy of the SWPPP. Standard Pacific's Active Vendor List that was submitted in response contains approximately 43 companies. Several of these companies have responsibilities to implement the SWPPP, yet do not appear in the Plan that was viewed at time of inspection and the Plan that was submitted in response to the 308 (see inspection report Section 2, photos DSCN1331 of one of only two signed contractor certifications at time of inspection and DSCN1332 of a blank contractor certification). The 308 response contained 38 Contractor Certifications that were signed in June 2015, despite Standard Pacific beginning construction on the site in April 2014.
6. *"Each plan shall include a description of appropriate controls, BMPs and measures that will be implemented at the construction site. The plan shall clearly describe for each major activity identified in Part V.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented"* in accordance with Part V.D.2.  
Section 2 in the SWPPP is not site specific as required by the permit and does not describe which of the possible stabilization and structural practices will be utilized at each site as the appropriate control measures, several of the control measures listed in Section 2.2 of the SWPPPs (like mulching, permanent seeding, and temporary seeding) were not observed on lots at the time of inspection. See photo DSCN1341 of a Sequence of Major Events log with no dates filled in and no specific timing. The plan lacks a sufficient level of detail regarding "alternative" BMPs, "other appropriate" BMPs, and "efforts" to be taken.
7. *"Each plan shall provide a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices." "A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site and when stabilization measures are initiated shall be included in*



*the plan. Stabilization measures shall be initiated as soon as practicable, but in no case more than 7 days, in portions of the site where construction activities have temporarily or permanently ceased" in accordance with Part V.D.2.a.(1).*

No site-specific scheduling was provided. The SWPPP lacks a sufficient level of detail. The SWPPP states that "Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site and when stabilization measures are initiated shall be included in this Plan." The SWPPP fails to clearly state which methods of stabilization are appropriate at this site and does not contain a record of dates when activities took place. The Sequence of Major Events log failed to provide the required dates (see photo DSCN1341). No dates of major grading or construction activities were provided.

Areas of the site were unstabilized for greater than 7 days. Specifically, areas of the site had unstabilized soils and poor vegetative buffers (see photos DSCN1317, DSCN1320 and DSCN1321).

8. *"At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area" in accordance with Part V.D.2.a.(3)(b).*

Silt fencing does not extend along the entire length of the disturbances along slopes (see photos DSCN1309, DSCN1310, and DSCN1322 which document numerous failures to install silt fencing).

9. *"Each plan shall include a description of stormwater management controls or BMPs (e.g., stormwater detention or retention systems, vegetated swales, velocity dissipation devices at discharge points) that will be installed during the construction process to control pollutants in stormwater discharges that will occur during construction and after construction operations have been completed" in accordance with Part V.D.2.b.*

The Plan is overly general. The Plan provided in the 308 response lacks a sufficient level of detail and fails to provide site specific BMPs (see Part D.2.a of the Plan).

10. *"The plan shall assure that off-site vehicle tracking of sediments and the generation of dust is minimized" in accordance with Part V.D.2.c.(2).*

The EPA documented tracking and a lack of vegetative buffer in multiple locations on the site (see inspection report Section 6 Seeding/Sodding, Off-site Vehicle Tracking, and Construction Entrance & Exit Control and photos DSCN1313, DSCN1318, DSCN1319, DSCN1320, and DSCN1325).

11. *"At least once every seven calendar days and within 24 hours of the end of a storm that is 0.50 inches or greater, a qualified inspector (provided by the operator) shall inspect all points of discharge into surface waters of the State or an MS4; disturbed areas of the construction sited that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural controls; and locations where vehicles enter or exit the site" in accordance with Part V.D.4.*

- a. Standard Pacific failed to conduct all rain event inspections, some weekly inspections, additionally, the inspections that were conducted were insufficient.



Standard Pacific failed to conduct and document all rain event inspections. In response to the 308 information request, Standard Pacific stated that there are no reports documenting rain event inspections or rain logs. See inspection report Section 4 which references a lack of rain event inspections.

Standard Pacific stated in the 308 response that they do not have non-rain event weekly inspection reports for April 10, 2014-June 26, 2014. Between August 12, 2014 and September 7, 2014 weekly inspections did not occur.

Inspections are insufficient. For example, 25 inspections from 10/7/14-3/24/15 were reviewed and failed to find a single problem that required an action. Things like silt fences needing repairing and streets needing sweeping are a regular part of construction site maintenance.

- b. At neither the time of inspection nor in response to the 308 information request were qualifications present for Shawn Henson and Kevin Thompson, who had conducted inspections at this site. Qualifications were not present at time of inspection for Michael Miller, who had conducted inspections at this site. At the time of inspection, certifications for 3 staff were present; see photos DSCN1347-1350. In the 308 response, 1 certification was provided for 1 inspector.

- 12. *"A report summarizing the scope of the inspection; name(s) and qualifications of personnel making the inspection; the date(s) of the inspection; rainfall data; major observations relating to the implementation of the stormwater pollution prevention plan; and actions taken in accordance with paragraph V.D.4.b. of this permit, shall be made and retained, in accordance with Part VI of this permit, as part of the stormwater pollution prevention plan"* in accordance with Part V.D.4.c.

Inspection reports lack a sufficient level of detail regarding major observations and actions taken (see inspection report Section 4).

- 13. *"The stormwater pollution prevention plan must clearly identify, for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part V.D.6.b. of this Permit. All certifications must be included in the plan"* in accordance with Part V.D.6.

The Plan lacks identification of contractors with SWPPP responsibilities, such as installation of BMPs and final stabilization. The Responsibilities of Owners and Operators document fails to include the names of the companies that would install stabilization (see photo DSCN1340).

On March 24, 2015, Standard Pacific had failed to have contractors and subcontractors responsible for implementing parts of the SWPPP sign certification statements. Only two Contractor Certifications were signed at time of inspection (see photos DSCN1330-1334). All other Contractor Certifications were left uncompleted until June 2015 when 38 were signed.

- 14. *"The permittee shall retain a copy of the stormwater pollution prevention plan and all reports, records and documentation required by this permit at the construction site, or an appropriate*

*alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization" in accordance with Part VI.B.*

The NOI states that the SWPPP and all records shall be stored onsite at Model Home or Construction Trailer. The NOI was not posted on-site. At the time of the 308 response, the SWPPP was still lacking training records (see inspection report Section 4).

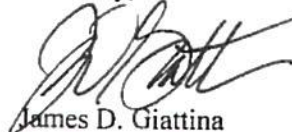
15. *"Inspection reports prepared pursuant to Part V.D.4.c. of this permit shall be signed by the qualified inspector that prepared them as well as by a responsible authority for the operator" in accordance with Part VII.C.2.*

Eight of fourteen inspection reports provided in response to the 308 information request were not signed (see inspection report Section 4).

Until compliance with the CWA is achieved, Standard Pacific is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

Should you have any questions or concerns, please contact LCDR Tara Houda at (404) 562-9762. Legal inquiries should be directed to Mr. Wayne Lee, Associate Regional Counsel, at (404) 562-9523.

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: Ms. Jessica Kleinfelter  
Florida Department of Environmental Protection

Mr. Ryan Riordan  
Hillsborough County

Mr. Jeffrey Longsworth  
Barnes & Thornburg LLP





U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW, Atlanta, GA 30303  
**Water Compliance Inspection Report**

**FACILITY DATA**

NPDES ID: FLR 10NU86	Effective Date: 3/10/2014	Expiration Date: 3/9/2019
Facility Name: Waterleaf - Phases 1 & 2		
Address: 1/4 west of Balm-Riverview Road on Big Bend Road, Riverview, FL 33579 Hillsborough Co.		
On-Site Representative(s), Title, Phone Number:  Mike Miller, 813-363-1173	Responsible Official, Title, Phone Number, Mailing Address: Tim Collins, Vice President of Construction Standard Pacific Homes, Tampa Bay Division 405 North Reo Street Suite 330 Tampa, FL 33609	

**INSPECTION ENTRY DATES/TIMES**

Entry Date/Time: 3/24/2015 12:45 PM	Exit Date/Time: 3/24/2015 2:29 PM
-------------------------------------	-----------------------------------

**NAMES OF EPA AND STATE INSPECTORS**

Tara Houda, EPA	Kate Helms, FDEP
Michael Hom, EPA	Ryan Riordan, Hillsborough County

**AREAS EVALUATED DURING INSPECTION (Check those areas evaluated)**

<input type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self-Compliance Program	<input type="checkbox"/> Pretreatment
<input checked="" type="checkbox"/> Records/ Records	<input type="checkbox"/> Compliance Schedule	<input type="checkbox"/> Pollution Prevention
<input type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water
<input type="checkbox"/> Effluent/ Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/ Disposal	<input type="checkbox"/> Sanitary Sewer Overflow

**INSPECTION NOTES**

See attachment.

**USEPA REPRESENTATIVES**

Inspector Signature/Name	Office/Phone Number	Date
 Tara Houda, Env Scientist	USEPA Region 4/WPD-NPEB 404-562- 9762	4/16/15
 Michael Hom, Env Engineer	USEPA Region 4/WPD-NPEB 404-562-9748	4/15/15
Management Signature/Name	Office/Phone Number	Date
 Dan O'Lone, Stormwater and Residuals Enforcement Section Chief	USEPA Region 4/WPD-NPEB 404-562-9434	4/24/15

# NPDES Construction Stormwater Worksheet (Florida)

## 1. FACILITY LOCATION INFORMATION

GPS Coordinates	Lat (dec)	27° 48' 03.79" N	Long (dec)	82° 17' 40.90"
Receiving Water(s) or MS4	Bull Frog Creek		Weather Condition: 74° F partly cloudy	
Total site area acres & disturbed acres	118.5	5	Construction Start Date	Blank in NOI
NOI or Coverage Letter posted Part III.C.2	NO		Date of NOI	3/4/2014
			Discharge to 303(d) listed or TMDL waters?	Yes, EPA review found that Bullfrog Creek (WBIDs 1666 and 1666A) are impaired. There are TMDLs for Fecal Coliform, Dissolved Oxygen, and Mercury. The use of Fish and Wildlife Propagation is Impaired.

## 2. BASIC SWPPP INFORMATION

SWPPP TOPICS	Evaluation
SWPPP on site or as specified in NOI? Part VI.B	YES
SWPPP certified? Part V.B.a	YES
SWPPP modified or update to current conditions? Part V.C	NO
SWPPP identifies all contractors/subcontractors with certification? Part V.D.6	NO
SWPPP identifies all potential sources of pollutants? Part V.A	NE
Construction schedule describes the intended sequence and implement date of BMPs? Part V.D.1.b	NO
Direction of stormwater flows and slopes identified on map? Part V.D.1.e	NE
Major structural and nonstructural BMP controls located on map? Part V.D.1.e	NE
Name of receiving water(s)/wetland(s) or MS4 listed on map? Part V.D.1.e	NE
Stormwater discharge/outfall location(s) identified on map with lat-long? Part V.D.1.e & f	YES
Address post-construction stormwater management measures? Part V.D.2.b	NE
BMP maintenance requirements consistent with permit & good engineering practices? Part V.D.3	NO

## 3. SITE DESCRIPTION and SWPPP



- NOI states that SWPPP will be on-site in model home or construction trailer.
- SWPPP:
  - Waterleaf Phase 1 & 2 SWPPP prepared by Cornerstone.
  - Construction will consist of 22 homes on already developed lots.
  - Three discharge points are listed as going to "detention ponds" and then to un-named adjacent wetlands.
- Metro takes care of common areas.
- Development started for Standard Pacific on 3/31/14. Currently 5 lots are under construction and 3 are stabilized. There are 13 lots that currently belong to Standard Pacific.
- The Responsible Official, Tim Collins, appears to need updating.

#### 4. RECORDS REVIEW

Records Review	Evaluation
Representative on-site?	YES
Records (SWPPP/reports/documentation) available on-site? Part VI.B	NO
Stabilization measures initiated within 7 days after construction has ceased in an area? Part V.D.2.a.(1)	NO
Inspections conducted once/7 days & within 24 hrs after $\geq 0.50$ in of rain? Part V.D.4.	NO
Inspections conducted by qualified personnel of discharge points, disturbed areas without final stabilization, areas for storage of materials exposed to precipitation, structural controls, entrance/exit? Part V.D.4	NO
Inspection reports complete and adequate? (ID non-compliance or certification of compliance) Part V.D.4.c	NO
Inspection reports signed & certified? Part VII.C	NO
<b>Date of the latest inspection report and brief description of findings</b> <ul style="list-style-type: none"> <li>• Of the 25 inspection reports reviewed (3/24/15-10/7/14): none were for storm events, all but 6 listed the current weather as clear, none had any of the Storm Event boxes checked, 2 were unsigned (1/13/15, 12/23/14), and no actions or problems were noted. Inspections appear perfunctory and lacking in detail. It appears that rain event inspections are not being conducted. Inspection reports prior to 10/7/14 were not available and Site Representative did not know where they were. No rain gauge on site. Inspections do not include ponds or outfalls.</li> </ul>	3/24/2015
Maintenance/corrective actions taken within 7 calendar days of inspection? Part V.D.4.b	NE

#### 5. OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS

Outfall, Stormwater Discharge & Receiving Water	Evaluation	Comments
Number & location of stormwater discharge(s)/outfall(s) consistent with the SWPPP?	YES	SWPPP indicates 3 discharge points (see Photo DSCN1362 and 1363). Observed pond and outfall at discharge point #2 (see Photo DSCN1370 and 1371).
Evidence of off-site accumulation of sediment observed in receiving water?	NE	

Other discharges or potential discharges off-site (not through permitted outfalls)?	NE	
Non-stormwater discharge observed?	NO	
<b>6. FIELD EVALUATION &amp; SWPPP IMPLEMENTATION</b>		
<b>Structural Practices Part V.D.2 Part V.D.2.a.(2)</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Note location, quantitative description, design issue, O&amp;M deficiencies (including the nature and extent), and sediment off-site</b>
Silt Fences	YES	Missing and down silt fences observed (see photo log).
Storm Drain Inlet/Outlet Protection (Specify: Filter Fabric, Gravel Bags, etc.)	YES	Storm drain inlets were in need of maintenance (see photo log).
Sedimentation Basin (required for every 10 disturbed acres drained or equivalent controls) Part V.D.2.a.(3)	NA	
Retention/Detention Pond	YES	Turbid pond was observed (see photo log).
Diversion Structure (Earth Dikes, Ditches, Berms, etc.)	YES	Ditches had erosion gullies (see photo log).
Construction Entrance & Exit Control	YES	Construction entrances were unstabilized
<b>Stabilization Practices Part V.D.2.a.(1) Part V.D.3</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Temporary or permanent stabilization must be initiated w/in 7 days on portions of site where construction activities have temporarily or permanently ceased</b>
Seeding/Sodding	YES	Seeding was observed on 2 adjacent lots. Stabilization was lacking on multiple lots. Vegetative filter strips were missing in some areas and in need of maintenance in other areas (see photo log).
<b>Other BMP Controls to Reduce Pollutants</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Comments</b>
Proper Disposal of Construction Debris, Chemicals, Litter & Sanitary Waste Part V.D.2.c.(1)	YES	Port-o-lets were located too close to curbs (see photo log).
Off-site Vehicle Tracking or Dust Control Part V.D.2.c.(2)	YES	Tracking was observed (see photo log).
Concrete Wash Down	YES	

Control		
Exit interview conducted with: Mike Miller		
<b>Additional inspection summary, narrative, findings, comments, etc, as necessary:</b> <ul style="list-style-type: none"> <li>• Port-o-let next to curb</li> <li>• Tracking on streets</li> <li>• Down silt fencing</li> <li>• Stabilization of lots and dirt pile <ul style="list-style-type: none"> <li>◦ SP Block 7/Lot 19 with no temporary stabilization. May have been caused by West Bay lot next door.</li> </ul> </li> <li>• No NOI posted</li> <li>• Unsigned inspection reports and missing older inspection reports</li> <li>• Lack of rain gauge and rain monitoring</li> <li>• Problems and solutions need to be noted on inspection reports</li> </ul>		





**Standard Pacific's Waterleaf  
Stormwater Inspection**  
FLR 10NU86

March 24, 2015  
US EPA - Region 4

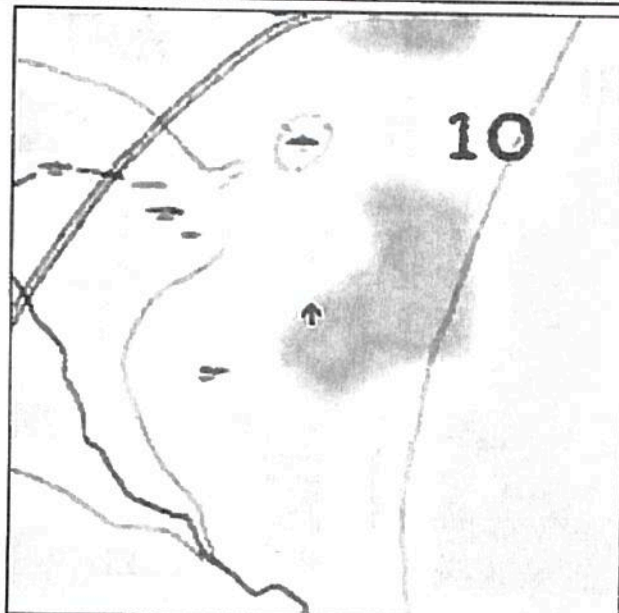
**Overview Map**





DSCN1306.JPG

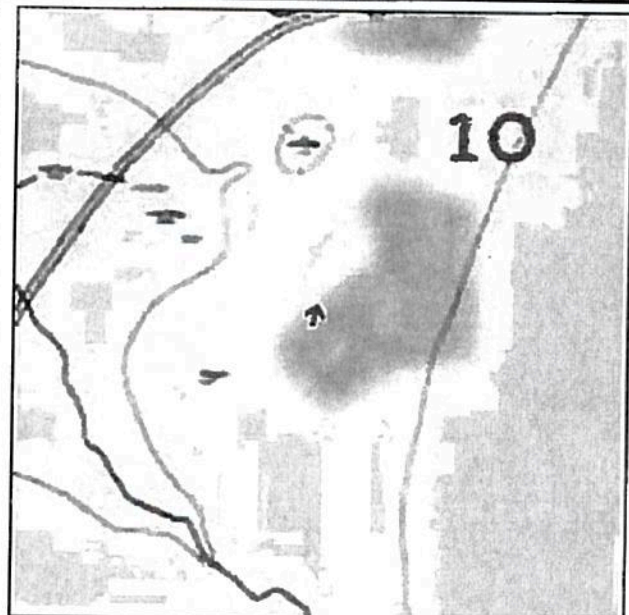
Title:



Attributes	
Description	Incorrectly installed inlet protection that is incapable of protecting the inlet. Poor vegetative buffer.

DSCN1307.JPG

Title:



Attributes

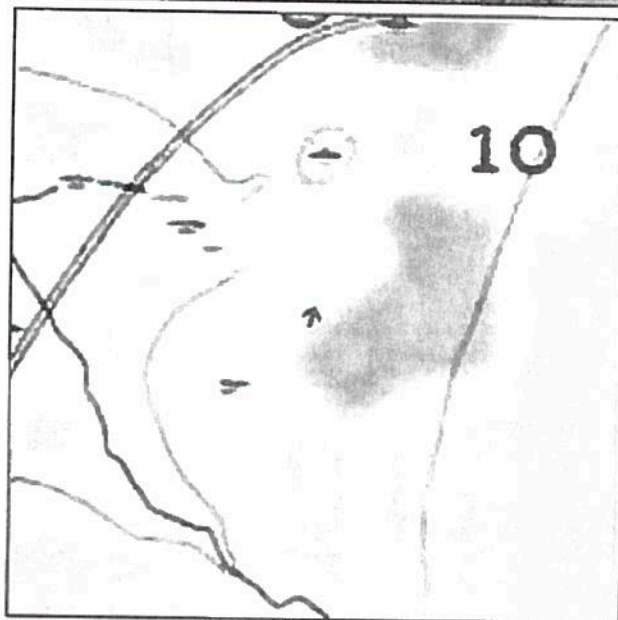
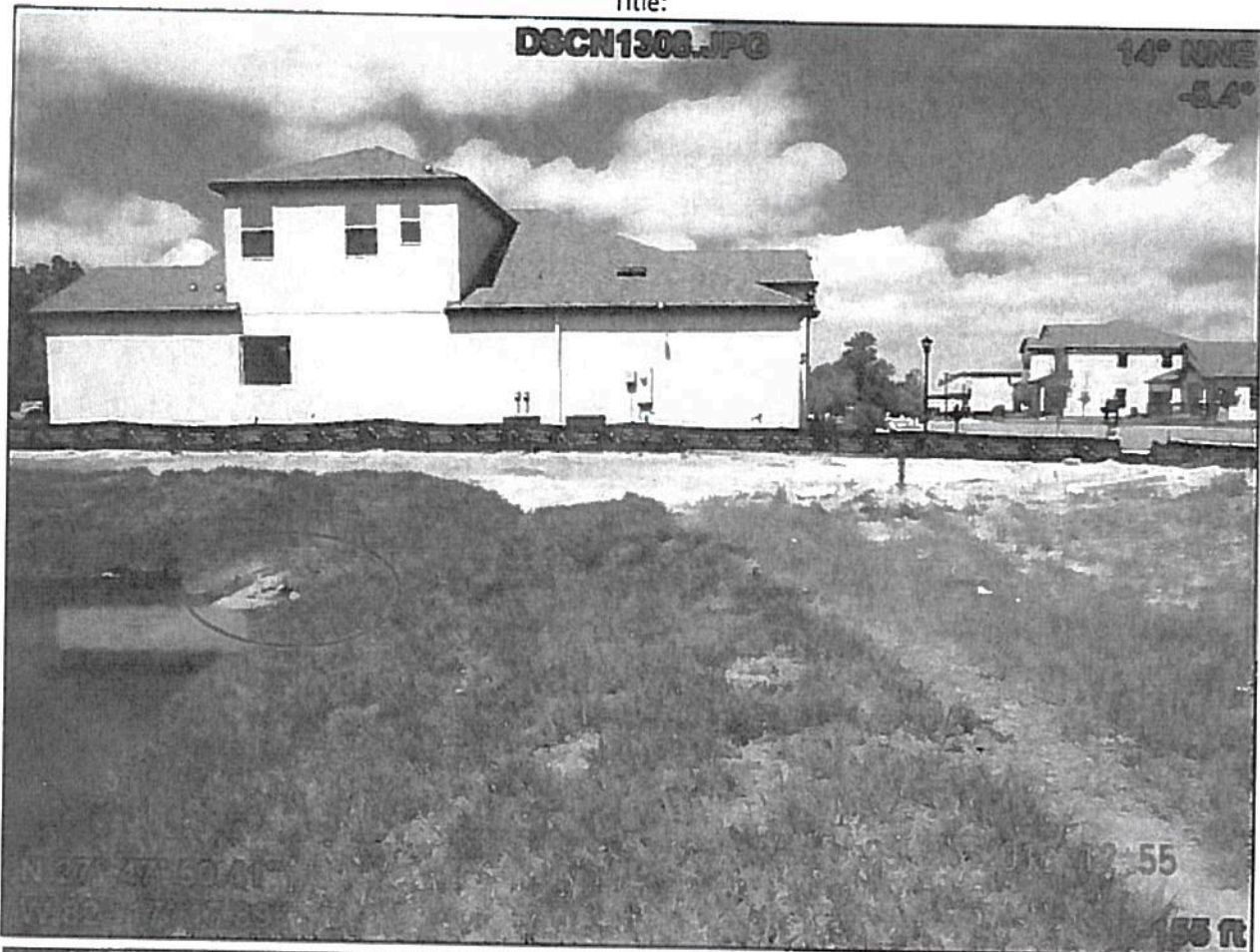
Description

Incorrectly installed inlet protection



DSCN1308.JPG

Title:

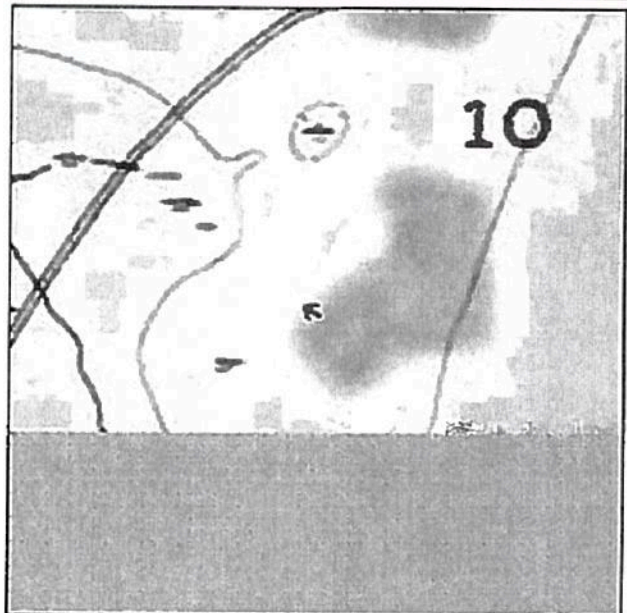
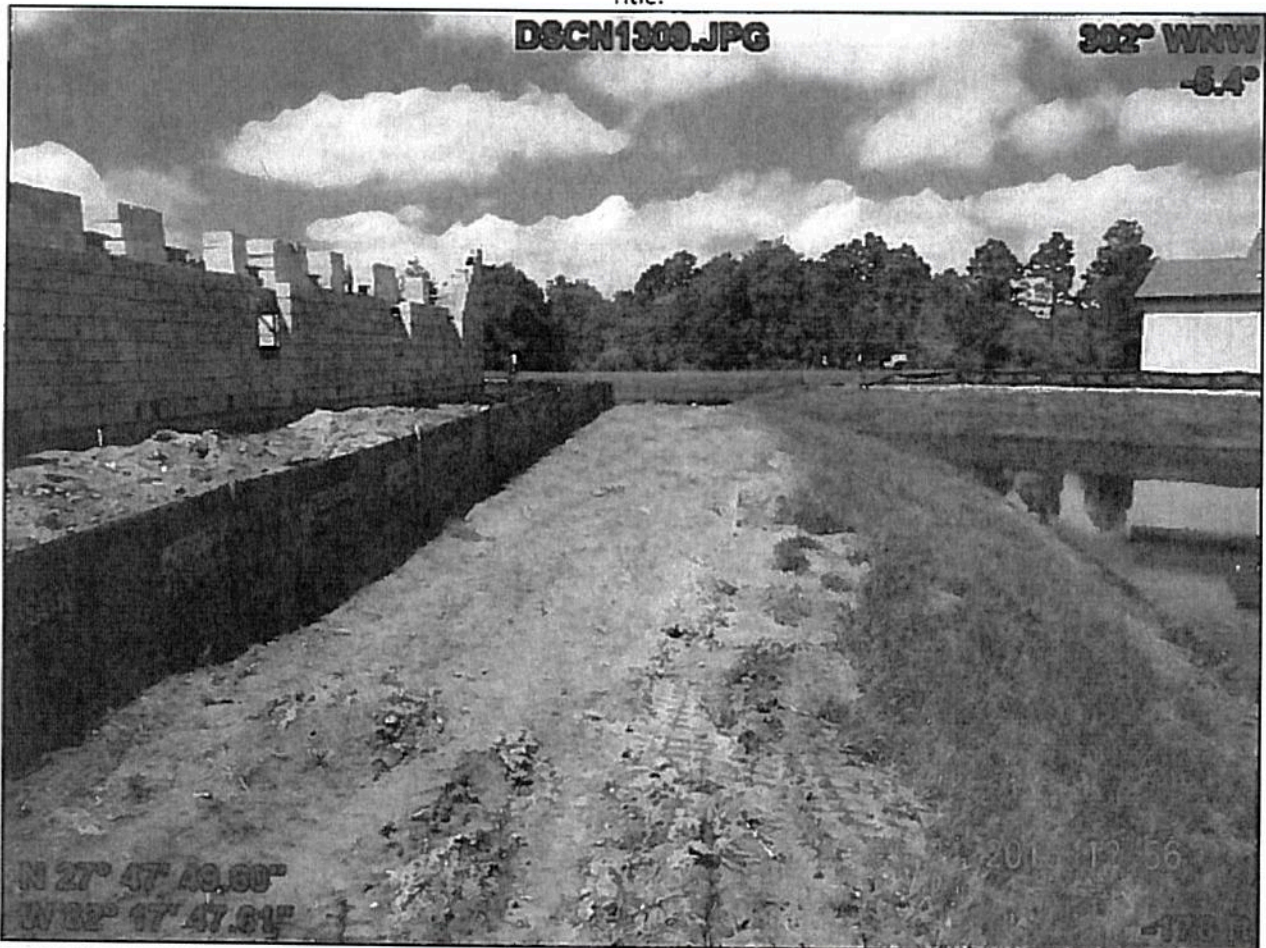


Attributes	
Description	Erosion at pond in Standard Pacific's area near Meritage's house 11804



DSCN1309.JPG

Title:

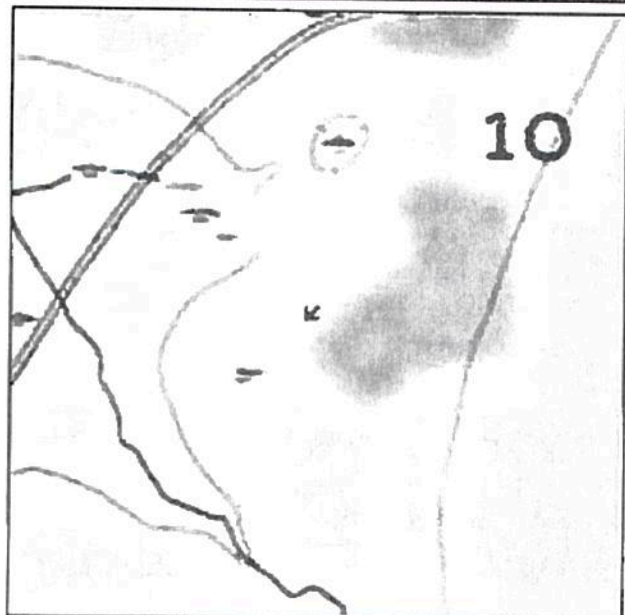
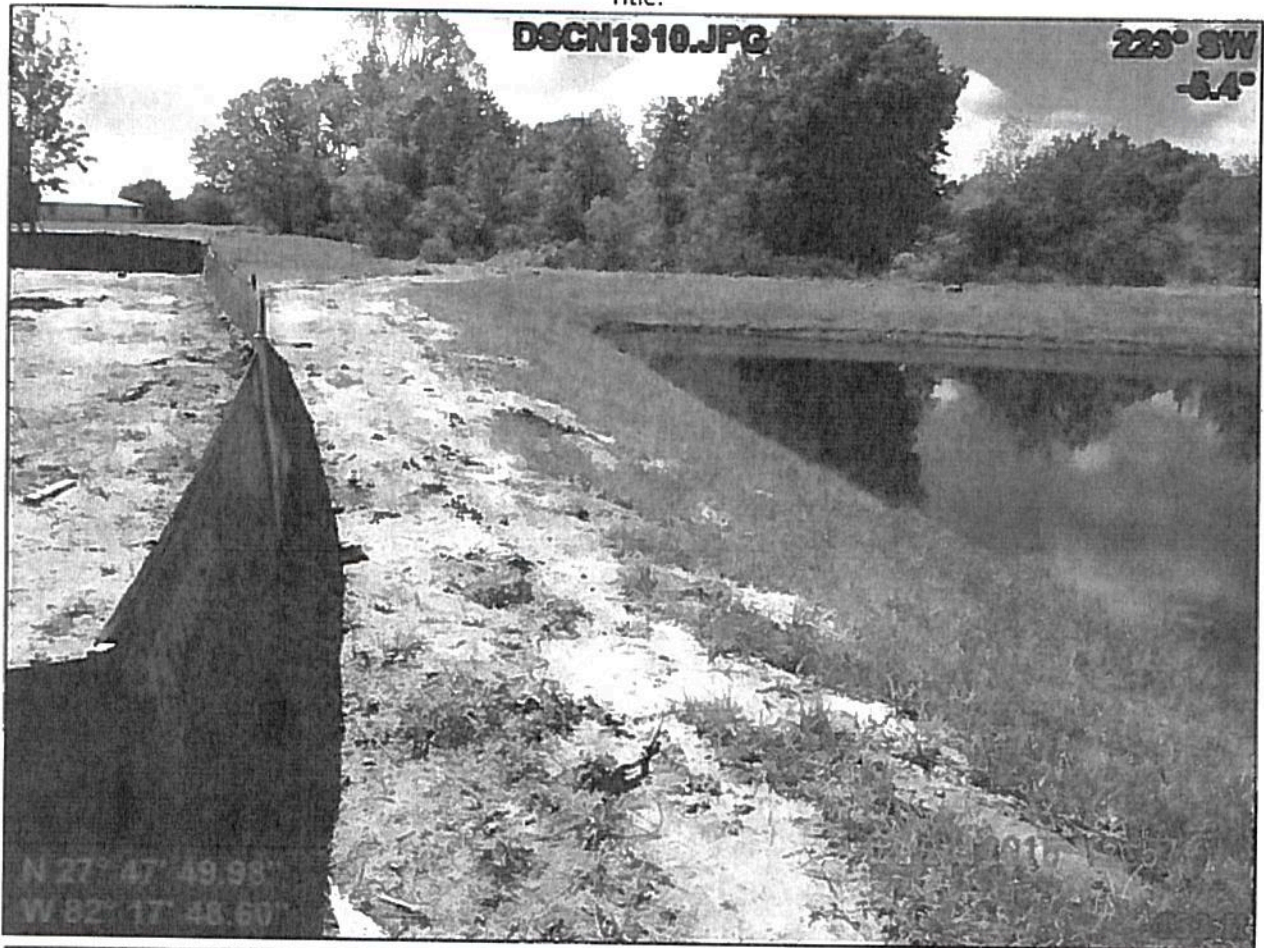


Attributes	
Description	Silt fence not on outside edge of disturbance next to lot 8, block 7



DSCN1310.JPG

Title:

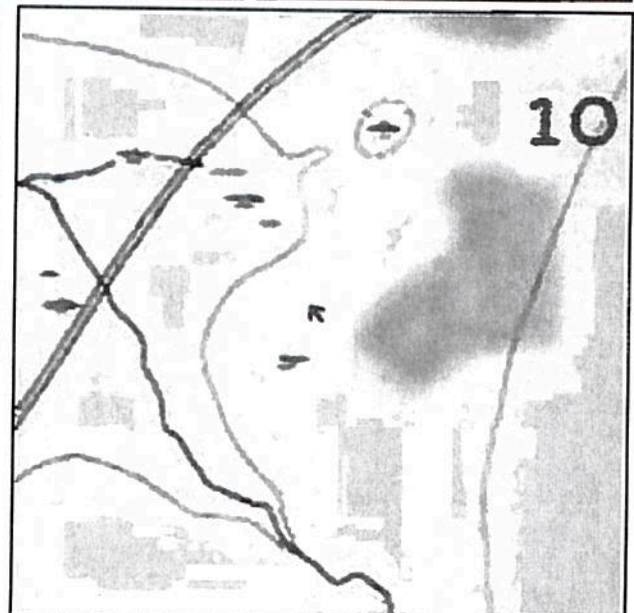
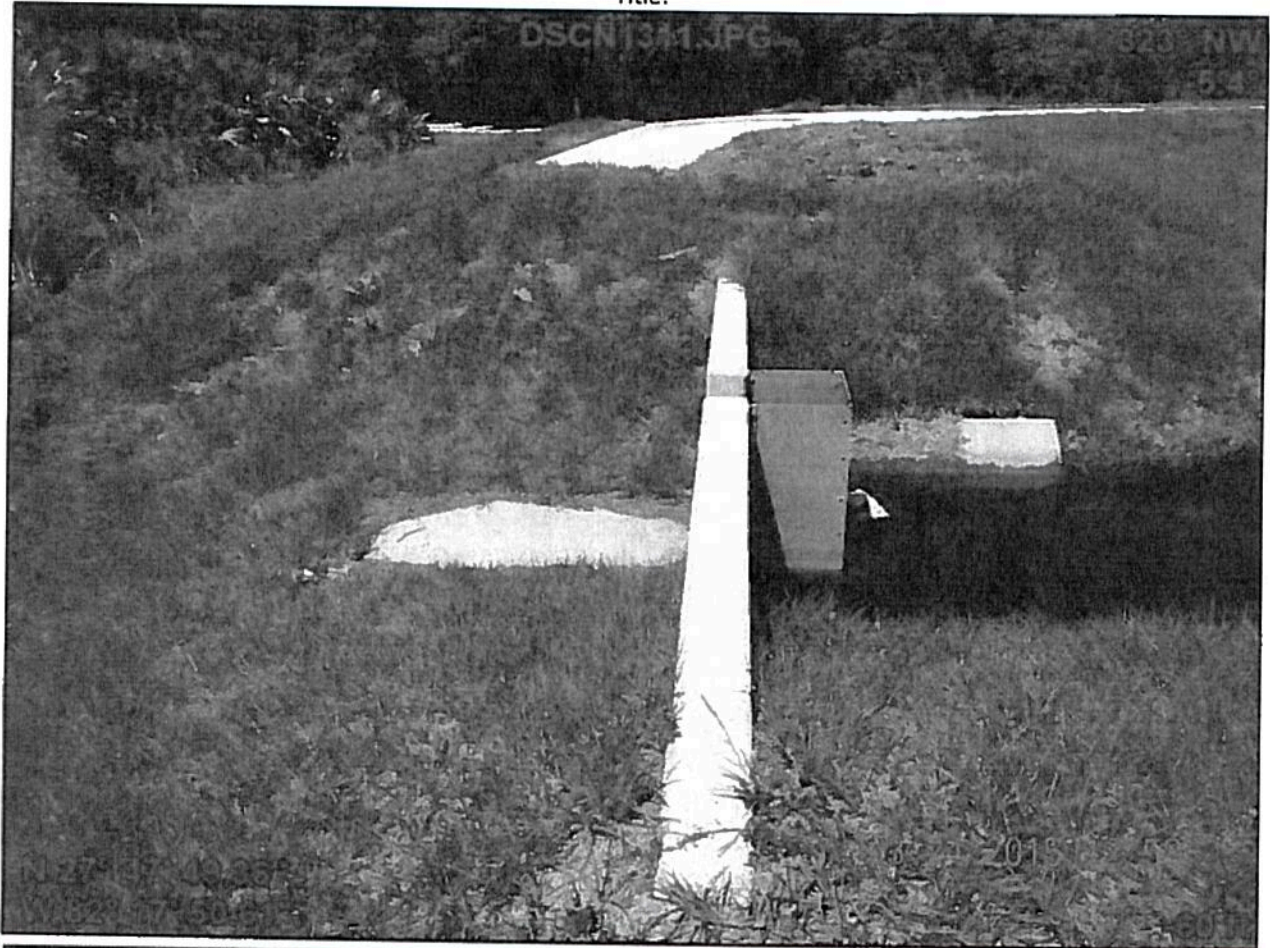


Attributes	
Description	Silt fence not on outside edge of disturbance next to lot 8, block 7



DSCN1311.JPG

Title:



Attributes

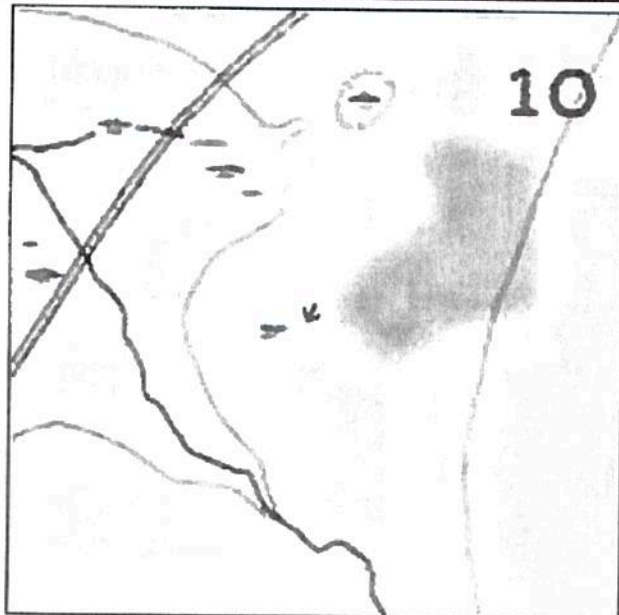
Description

Pond outfall



DSCN1312.JPG

Title:

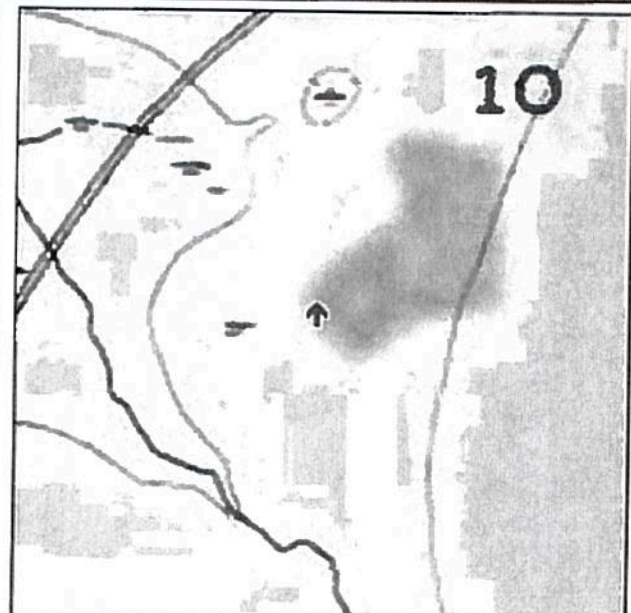
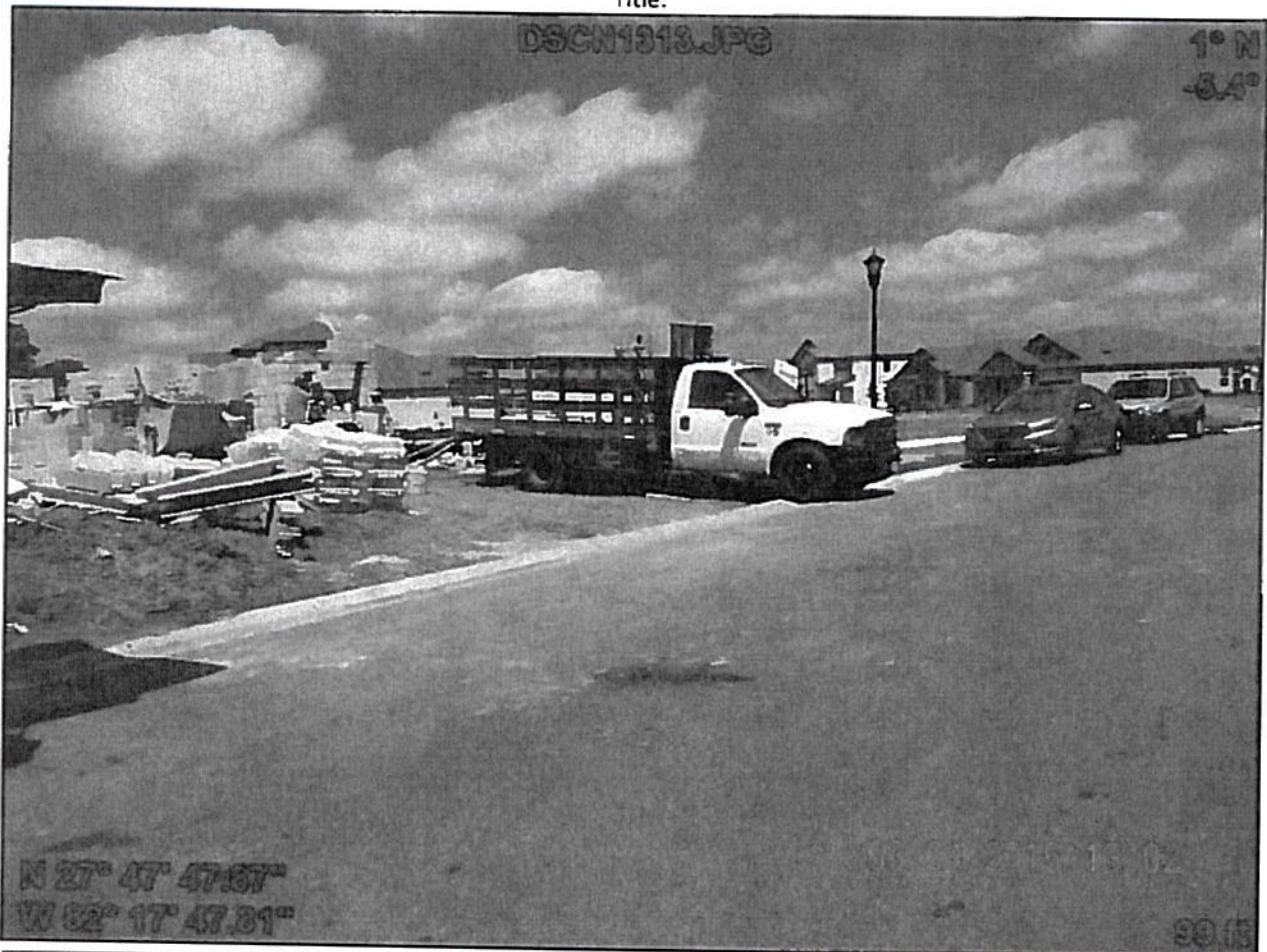


Attributes	
Description	Down silt fence behind Standard Pacific's 13324 Fawn Lily and Lot #10-07 by West Bay



DSCN1313.JPG

Title:



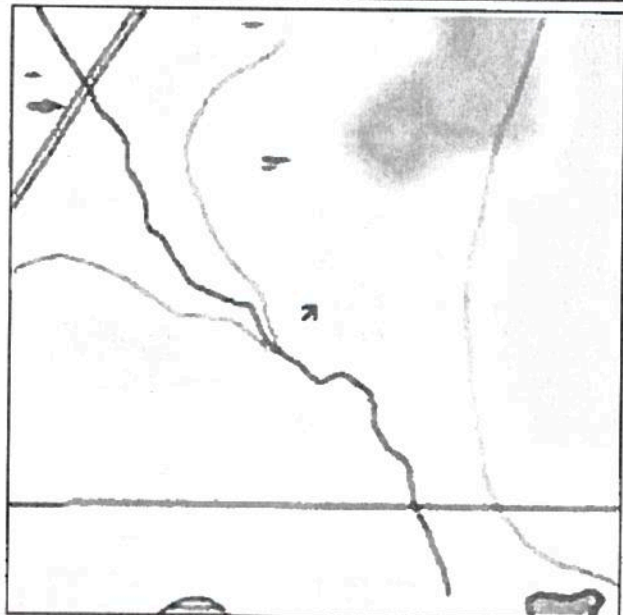
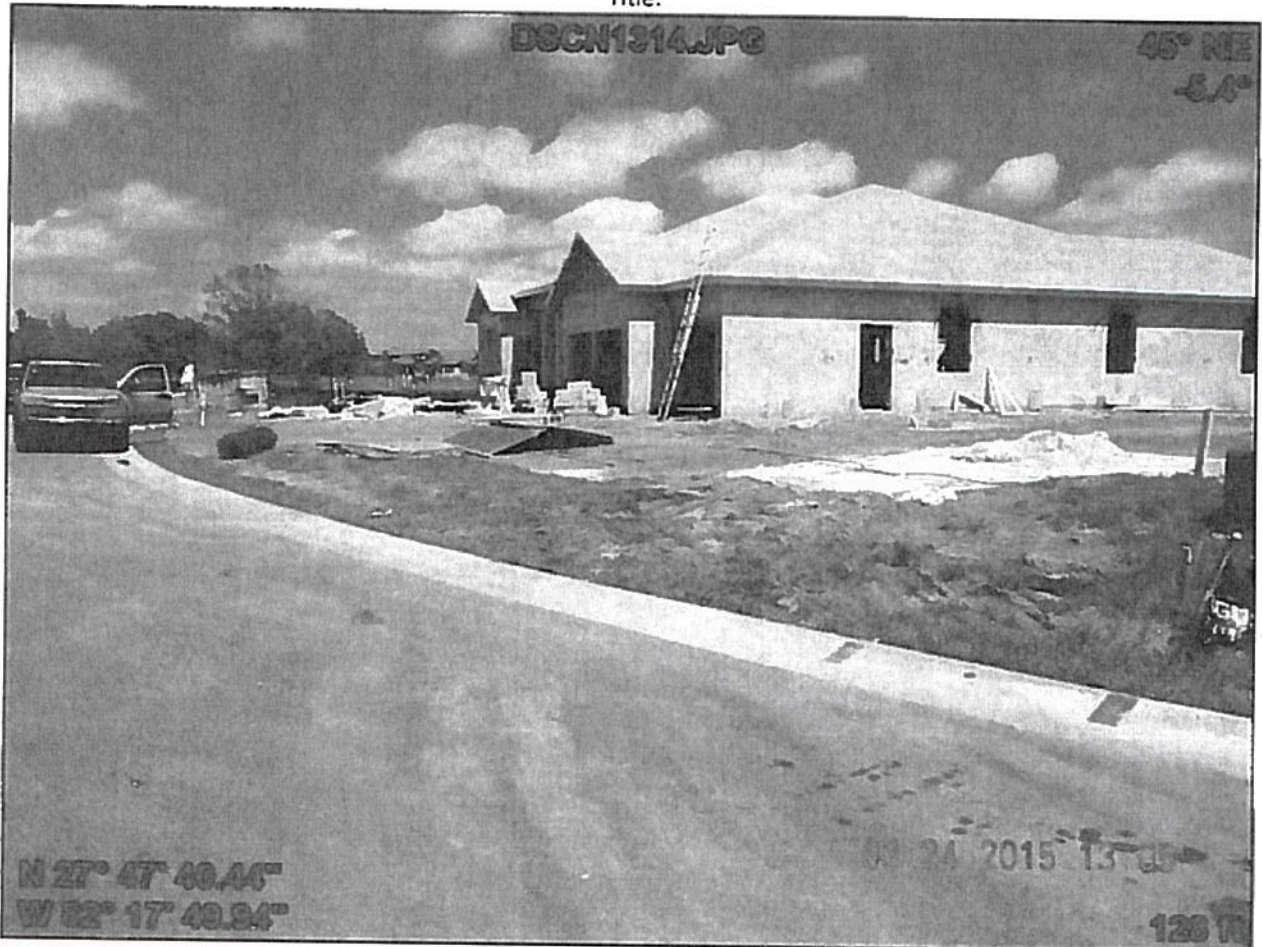
Attributes

Description

Tracking on street at 13326 Fawn Lily (lot 8, block7).  
No vegetative buffer.

DSCN1314.JPG

Title:

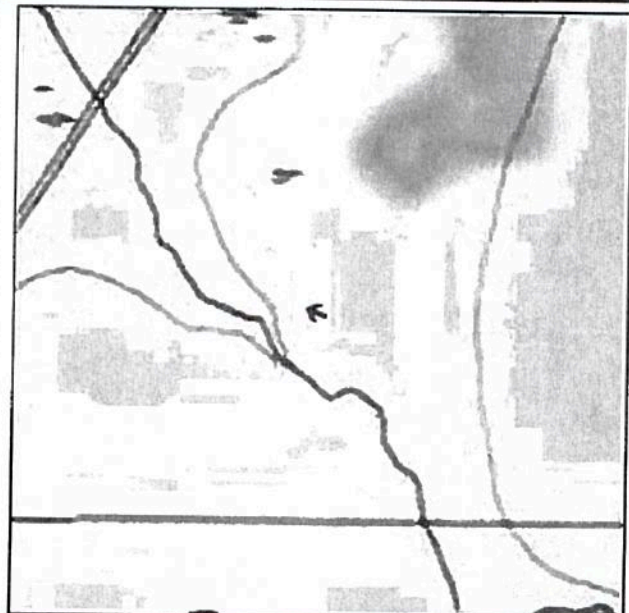
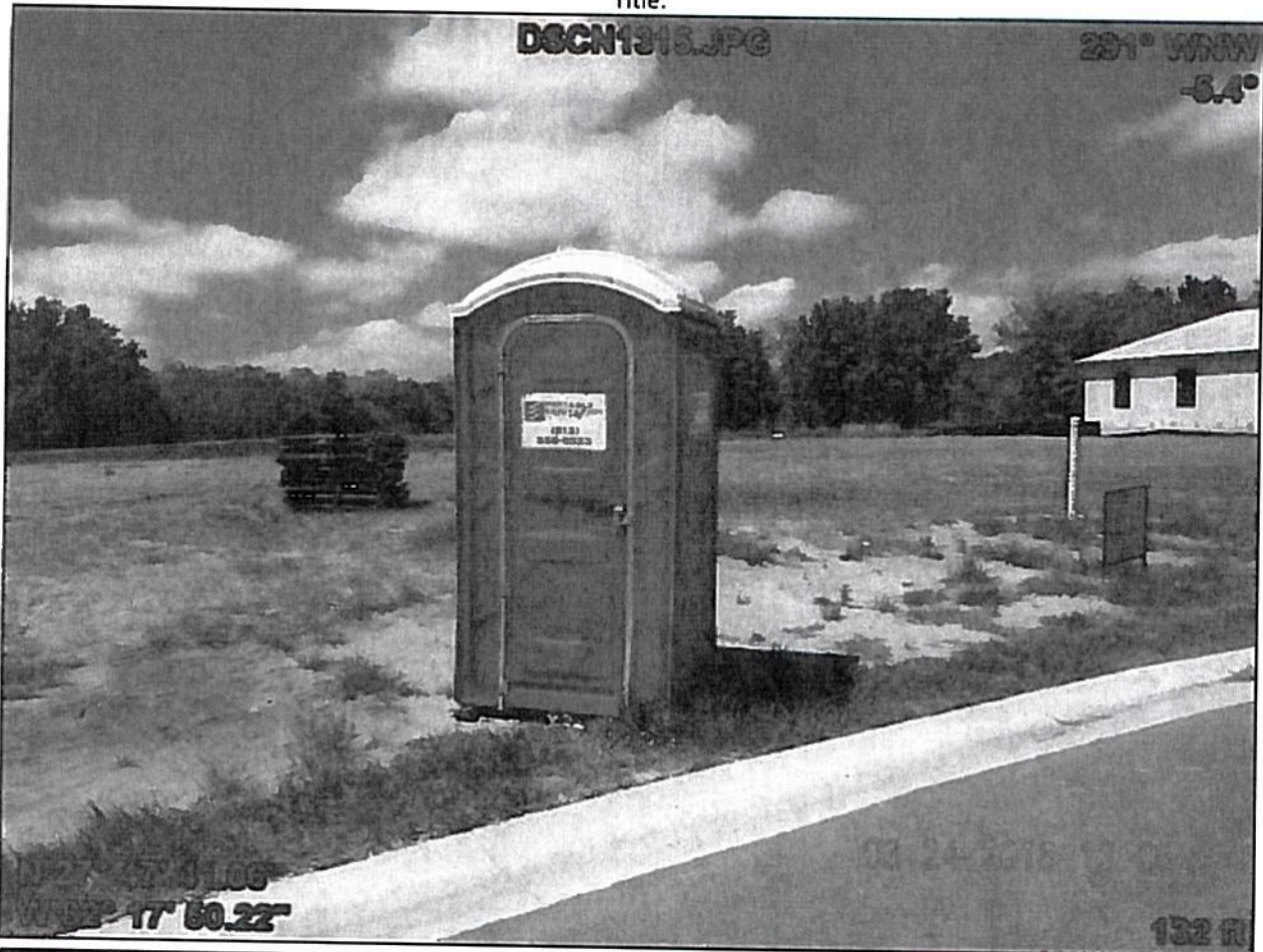


Attributes	
Description	Some tracking on street. Concrete washout on plastic. Lot 13/8 West Bay. Poor vegetative buffer.



DSCN1315.JPG

Title:



**Attributes**

**Description**

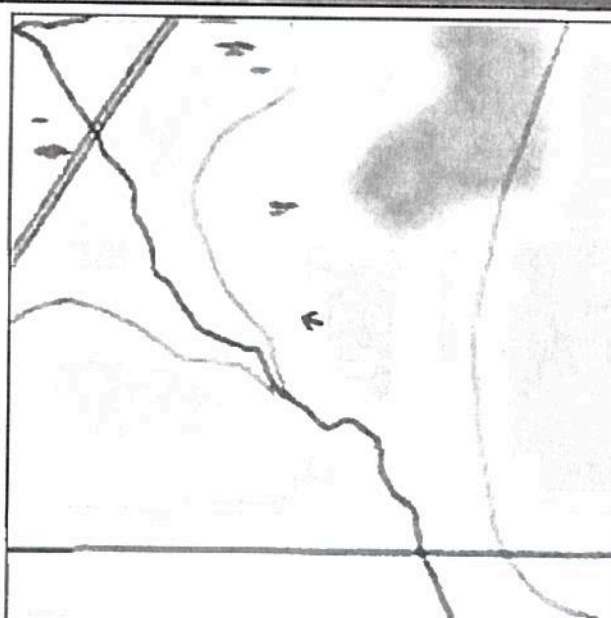
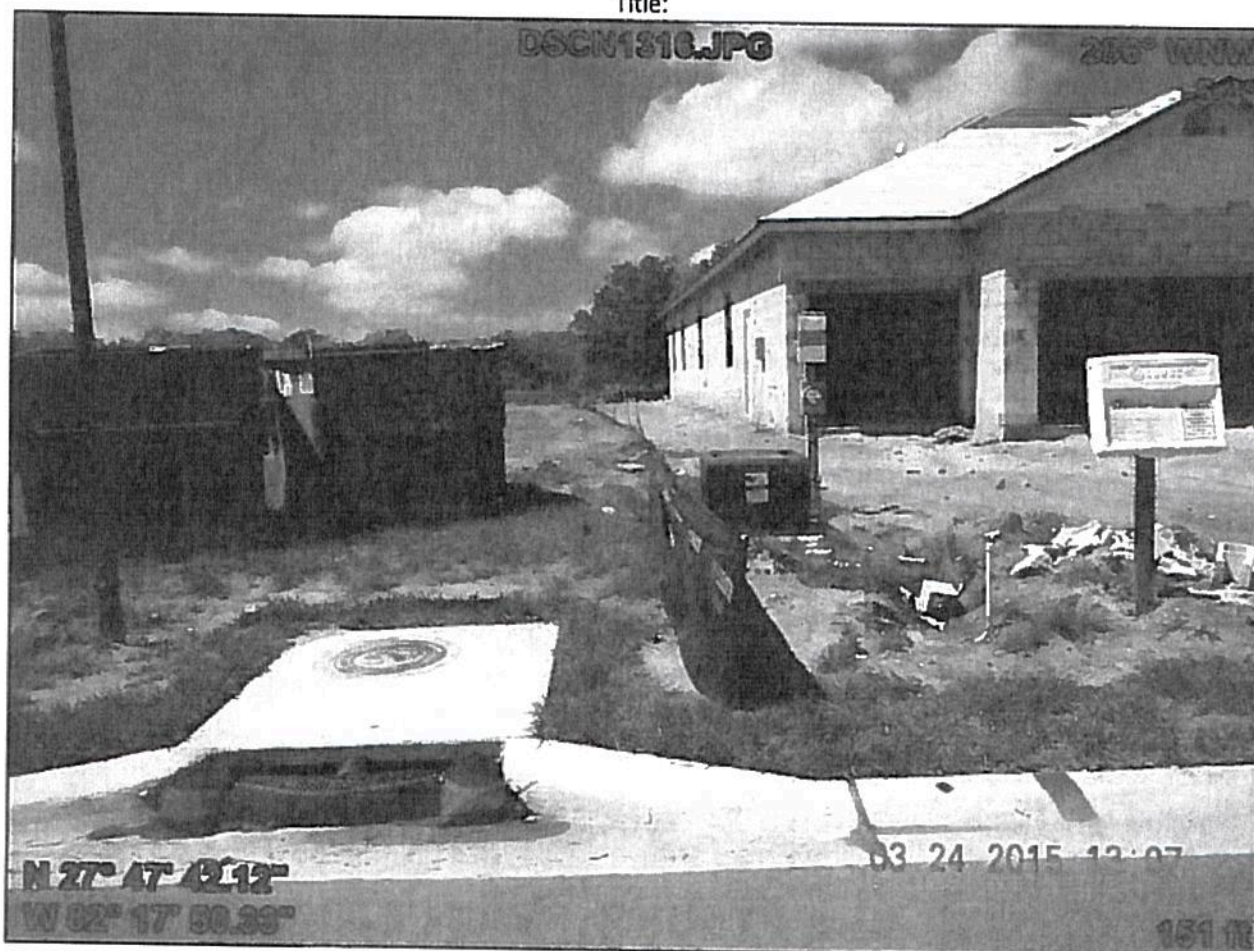
Port-o-let one foot from curb on Standard Pacific's Lot 19/block 7. Also tracking was observed from this lot. Poor vegetative buffer. No silt fencing on sides and



Attributes	
	back of lot.

DSCN1316.JPG

Title:



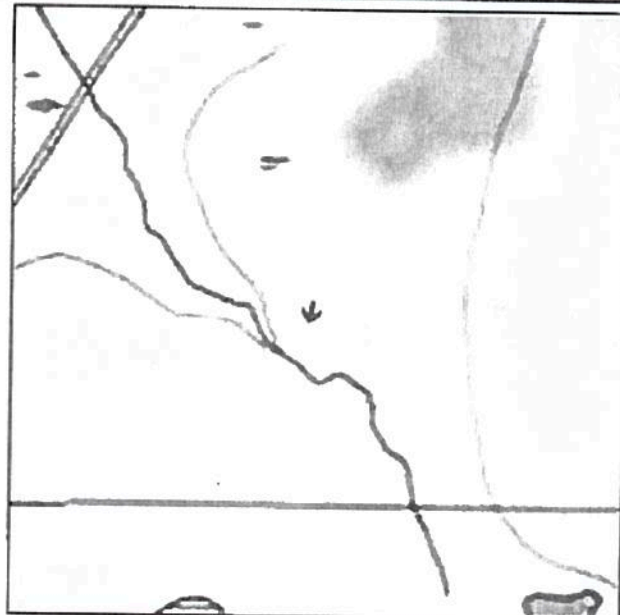
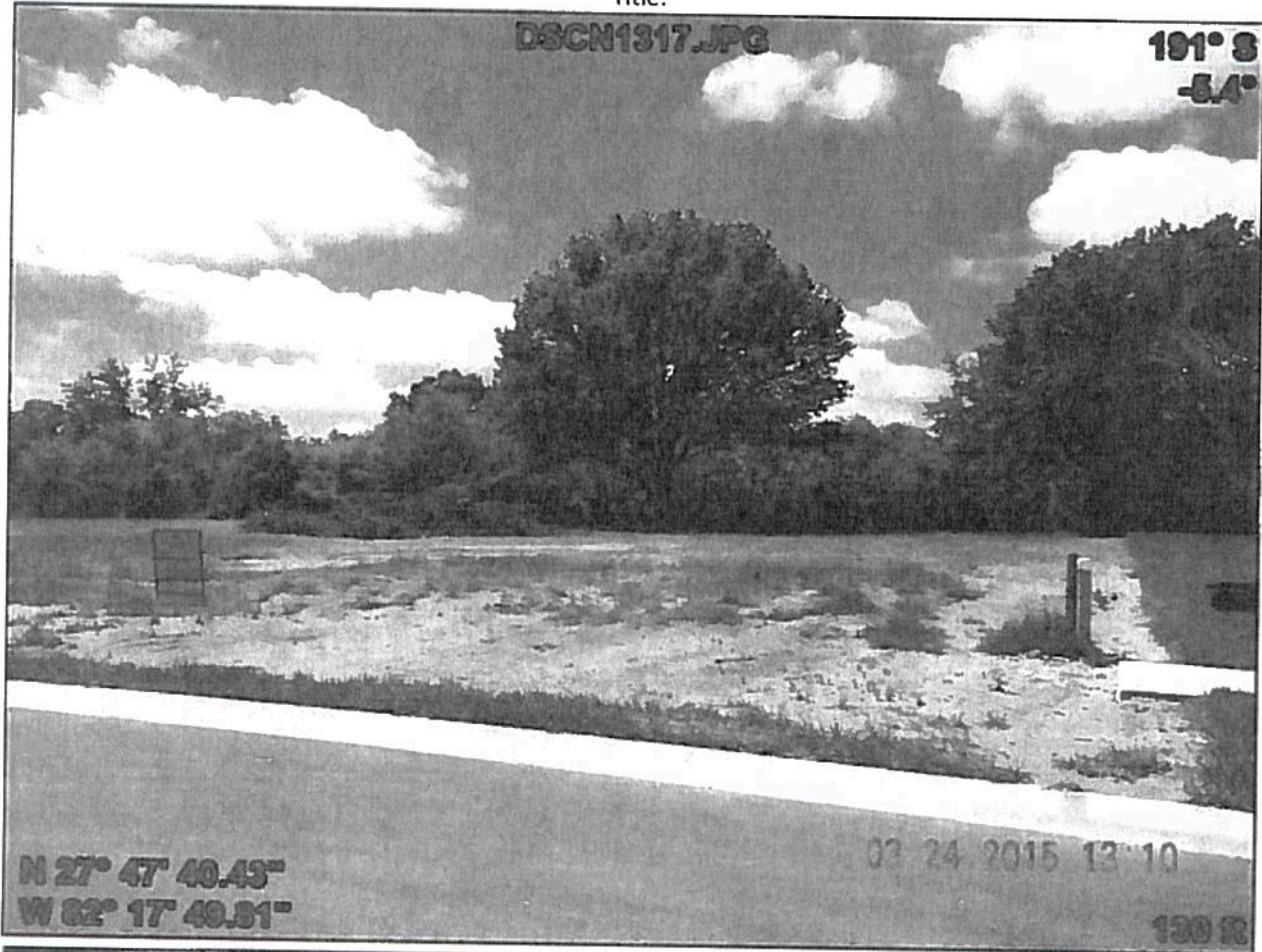
Attributes	
Description	Down silt fence at lot 17/7 (13308 Fawn Lily by West

Attributes	
	Bay). Poor vegetative buffer.



DSCN1317.JPG

Title:



Attributes	
Description	Poor stabilization at block 7/lot 21 by Standard Pacific. Poor vegetative buffer. No silt fencing on sides and back of lot.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 28 2016

CERTIFIED MAIL 7015 1730 0002 0524 4355  
RETURN RECEIPT REQUESTED

TrueNorth Transport, LLC  
ATTN: Anita Ray  
5358 33<sup>rd</sup> Avenue, NW  
Gig Harbor, Washington 98335

Re: Notice of Violation and Opportunity to Show Cause  
National Pollutant Discharge Elimination System Vessel General Permit  
for Discharges Incidental to the Normal Operation of a Vessel for  
Motor Vessel Norfolk, Vessel General Permit Tracking Number VPBB42800

Dear Ms. Ray:

The United States Environmental Protection Agency Region 4 has information, which indicates that TrueNorth Transport, LLC's (TrueNorth) vessel the Motor Vessel (M/V) Norfolk, discharged untreated ballast water into waters of the United States. The discharge was not in compliance with TrueNorth's National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of a Vessel (VGP) issued pursuant to Section 402 of the Clean Water Act (CWA), 33 U.S.C. § 1342.

Based upon review of this information and pursuant to Section 309(a)(1) of the CWA, 33 U.S.C. § 1319(a)(1), the EPA hereby notifies TrueNorth, as an owner and/or operator of the M/V Norfolk, that it has violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a); the regulations promulgated thereunder at 40 C.F.R. § 122; and the VGP. Specifically, the EPA has identified the following violations:

**All discharges of ballast water must comply with the requirements in the VGP. Owner/operators of all vessels subject to coverage under this permit which are equipped with ballast tanks must meet the discharge limits for the ballast water in accordance with Part 2.2.3.5.2 of the VGP.** On January 8, 2016, the M/V Norfolk bypassed its ballast treatment system and discharged approximately 289 cubic meters of untreated ballast water into waters of the U.S. while moored at Sunny Point, North Carolina. This discharge of untreated ballast water did not meet the discharge limits in the VGP in violation of Part 2.2.3.5.2 of the VGP and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Conditions set forth in regulations at 40 C.F.R. § 122 apply to all permits issued under Section 402 of the CWA, 33 U.S.C. § 1342. Pursuant to 40 C.F.R. § 122.41(m), a "bypass" is the intentional diversion of waste streams from any portion of a treatment facility. Bypasses are prohibited unless such bypass is meant to prevent a shipboard emergency that has the potential to endanger the safety of the vessel or its crew. M/V Norfolk bypassed its ballast treatment system and discharged untreated ballast water into waters of the U.S. while moored at Sunny Point, North Carolina, in violation of 40 C.F.R. § 122.41(m)(4); as there is no evidence of a shipboard emergency.**



Until compliance with the CWA is achieved, TrueNorth is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This Section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

The EPA requests that representatives of TrueNorth contact the EPA within seven (7) business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against TrueNorth for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. TrueNorth should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. TrueNorth has the right to be represented by legal counsel.

Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against TrueNorth. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist TrueNorth in understanding the compliance assistance resources and tools available to it. Any decision to seek compliance assistance at this time, however, does not relieve TrueNorth of its obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

In addition, the Securities and Exchange Commission (Commission) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist TrueNorth, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

Please contact Mr. Dennis Sayre, of my staff, at (404) 562-9756 or by email at [sayre.dennis@epa.gov](mailto:sayre.dennis@epa.gov) to arrange a show cause meeting. If you have any questions regarding this Notice of Violation, please contact Mr. Sayre. Legal inquiries should be directed to Ms. Wilda Cobb, Associate Regional Counsel, at (404) 562-9530 or by email at [cobb.wilda@epa.gov](mailto:cobb.wilda@epa.gov).

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: USCG Sector North Carolina





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2016

CERTIFIED MAIL 7015 1730 0001 8044 2739  
RETURN RECEIPT REQUESTED

Ms. Tisha Calabrese Benton  
Director, Division of Water Resources  
Tennessee Department of Environment & Conservation  
William R. Snodgrass TN Tower  
312 Rosa L. Parks Avenue, 11<sup>th</sup> Floor  
Nashville, Tennessee 37243

Re: Notice of Violation No. 309-2016-08  
National Pollutant Discharge Elimination System Permit No.: TN0020613  
McKenzie Sewage Treatment Plant


Dear Ms. Benton:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. § 1319(a)(1), the U. S. Environmental Protection Agency Region 4 has determined that the City of McKenzie (City) is in violation of its National Pollutant Discharge Elimination System (Permit) Permit No.: TN0020613 for the McKenzie Sewage Treatment Plant. The City has violated, at a minimum, effluent requirements for the parameters listed in the Enclosure summarized here: Total Suspended Solids, Nitrogen (total ammonia), Cyanide, Total Silver, Total Recoverable Zinc, E. coli, Total Residual Chlorine, 5-Day Carbonaceous Biological Oxygen Demand, Percent Removal Suspended Solids, Percent Removal Carbonaceous Oxygen Demand and Static Renewal 7-Day Chronic Ceriodaphnia. The EPA is simultaneously notifying the City of these findings through the issuance of a Notice of Violation (NOV). A copy of the NOV to the City is enclosed for your convenience and record.

If the State of Tennessee commences appropriate action within 30 days of receipt of this letter to ensure that the City achieves expeditious compliance with its Permit, additional involvement by the EPA may not be required. However, if the State does not take such action, the EPA may then take the necessary steps to require the City to come into compliance. Please advise the EPA within 15 days of receipt of this letter of the action(s) you plan to take in this matter to ensure that the City achieves expeditious compliance with its Permit requirements. If a formal enforcement action is taken, please provide a copy of the applicable documents for our records.

If you have questions regarding this notice, please feel free to contact Mr. Maurice Horsey, Chief of the Municipal and Industrial Enforcement Section, at (404) 562-9764 or by e-mail at [horsey.maurice@epa.gov](mailto:horsey.maurice@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", written over the printed name.

James D. Giattina  
Director  
Water Protection Division

Enclosure

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

## Permit TN0020613

Permit Name	Version Nmbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
MCKENZIE STP	0	Major	2/28/11	4/1/11	2/29/16

Version # 0

### Outfall 001G

#### 00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit		
Limit Unit Desc	Pounds per Day	Milligrams per Liter
Statistical Base	WKLY AVG	DAILY MX
Limit Value	667	45
DMR Values		
10/31/12	47	47
10/31/12	681	681

#### 00610 Nitrogen, ammonia total [as N] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Four per Week

Limit				
Limit Unit Desc	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	13.3	.8	1.2	1.6



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

00610 Nitrogen, ammonia total [as N] / Location 1 / Season 0 / Base

DMR Values				
5/31/12	1.5	1.5	1.5	1.5
5/31/12	3.3	3.3	3.3	3.3
6/30/12	1.5	1.5	1.5	1.5
6/30/12	3.3	3.3	3.3	3.3
7/31/12	2.8	2.8	2.8	2.8
7/31/12	3.3	3.3	3.3	3.3
9/30/12	1.7	1.7	1.7	1.7
10/31/12	2.8	2.8	2.8	2.8
10/31/12	3.2	3.2	3.2	3.2
5/31/13	1	1	1	1
5/31/13	1.48	1.48	1.48	1.48
5/31/13	3.04	3.04	3.04	3.04
6/30/13	1.4	1.4	1.4	1.4
6/30/13	19	19	19	19
6/30/13	2.7	2.7	2.7	2.7
6/30/13	3.2	3.2	3.2	3.2
7/31/13	1.26	1.26	1.26	1.26
7/31/13	24.2	24.2	24.2	24.2
7/31/13	2.8	2.8	2.8	2.8
7/31/13	3.1	3.1	3.1	3.1
9/30/13	2.38	2.38	2.38	2.38
9/30/13	2.9	2.9	2.9	2.9
9/30/13	3.3	3.3	3.3	3.3
10/31/13	2.02	2.02	2.02	2.02
10/31/13	2.52	2.52	2.52	2.52
10/31/13	2.7	2.7	2.7	2.7
5/31/14	1.31	1.31	1.31	1.31
5/31/14	1.72	1.72	1.72	1.72
5/31/14	2.12	2.12	2.12	2.12
8/31/14	1.26	1.26	1.26	1.26
8/31/14	1.5	1.5	1.5	1.5
8/31/14	1.76	1.76	1.76	1.76
5/31/15	1.06	1.06	1.06	1.06
5/31/15	2.4	2.4	2.4	2.4
5/31/15	3.3	3.3	3.3	3.3
6/30/15	1.78	1.78	1.78	1.78
6/30/15	3.3	3.3	3.3	3.3
7/31/15	2.18	2.18	2.18	2.18
7/31/15	3.3	3.3	3.3	3.3
8/31/15	1.13	1.13	1.13	1.13
8/31/15	1.34	1.34	1.34	1.34
8/31/15	3	3	3	3
9/30/15	2.87	2.87	2.87	2.87
9/30/15	3.25	3.25	3.25	3.25
9/30/15	3.3	3.3	3.3	3.3
10/31/15	1.66	1.66	1.66	1.66

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

00610 Nitrogen, ammonia total [as N] / Location 1 / Season 1 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Four per Week

Limit			
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	DAILY MX
Limit Value	1.6	2.4	3.2
<b>DMR Values</b>			
1/31/12	2.5	2.5	2.5
1/31/12	3.25	3.25	3.25
1/31/12	3.3	3.3	3.3
2/29/12	2.8	2.8	2.8
2/29/12	3.3	3.3	3.3
3/31/12	3.1	3.1	3.1
3/31/12	3.3	3.3	3.3
4/30/12	2.6	2.6	2.6
4/30/12	3.3	3.3	3.3
11/30/12	2.2	2.2	2.2
11/30/12	3.3	3.3	3.3
12/31/12	2.7	2.7	2.7
12/31/12	3.3	3.3	3.3
1/31/13	2.2	2.2	2.2
1/31/13	3.3	3.3	3.3
2/28/13	1.67	1.67	1.67
4/30/13	2	2	2
4/30/13	3.25	3.25	3.25
4/30/13	3.3	3.3	3.3
11/30/13	2.05	2.05	2.05
12/31/13	1.7	1.7	1.7
2/28/14	1.9	1.9	1.9
2/28/14	2.5	2.5	2.5
3/31/14	1.84	1.84	1.84
3/31/14	2.7	2.7	2.7

00720 Cyanide, total [as CN] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Twice per Year

<b>Limit</b>	
Limit Unit Desc	Milligrams per Liter
Statistical Base	MO AVG
Limit Value	.0047
<b>DMR Values</b>	
12/31/13	.005



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

01077 Silver, total [as Ag] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Twice per Year

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	DAILY MX
Limit Value	.0009
DMR Values	
12/31/14	.005

01094 Zinc, total recoverable / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Monthly

Limit		
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	DAILY MX
Limit Value	.2052	.2035
DMR Values		
2/28/14	.23	.23

31648 E. coli, MTEC-MF / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Three per Week

Limit	
Limit Unit Desc	Number per 100 Milliliters
Statistical Base	MO GEOMN
Limit Value	126
DMR Values	
2/28/14	127
3/31/14	131

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

## 50060 Chlorine, total residual / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Five per Week

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MAX
Limit Value	.02
DMR Values	
8/31/13	.05
11/30/13	.05
7/31/15	.05
8/31/15	.05
9/30/15	.05
10/31/15	.05
11/30/15	.05
12/31/15	.05

## 80082 BOD, carbonaceous [5 day, 20 C] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit			
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	DAILY MX
Limit Value	10	15	20
DMR Values			
7/31/12	14	14	14
7/31/12	19	19	19
7/31/12	31	31	31
6/30/13	18	18	18
6/30/13	26	26	26
7/31/13	23	23	23
7/31/13	30	30	30
9/30/13	13	13	13
9/30/13	21.7	21.7	21.7
9/30/13	32	32	32
9/30/15	13	13	13
9/30/15	17	17	17
9/30/15	23	23	23



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

80082 BOD, carbonaceous [5 day, 20 C] / Location 1 / Season 1 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	250	334	15	20	25
DMR Values					
3/31/12	41	41	41	41	41
3/31/12	46	46	46	46	46
4/30/12	30	30	30	30	30
4/30/12	48	48	48	48	48
4/30/12	65	65	65	65	65
11/30/12	29	29	29	29	29
2/28/13	29	29	29	29	29
2/28/13	43	43	43	43	43
12/31/13	27	27	27	27	27
12/31/13	36	36	36	36	36
1/31/14	38	38	38	38	38
1/31/14	57.3	57.3	57.3	57.3	57.3
1/31/14	67	67	67	67	67
2/28/14	340	340	340	340	340
2/28/14	388	388	388	388	388
2/28/14	58	58	58	58	58
2/28/14	66	66	66	66	66
2/28/14	78	78	78	78	78
3/31/14	337	337	337	337	337
3/31/14	414	414	414	414	414
3/31/14	67	67	67	67	67
3/31/14	77	77	77	77	77
3/31/14	79	79	79	79	79
4/30/14	36	36	36	36	36
4/30/14	45	45	45	45	45

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

81011 Solids, suspended percent removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
10/31/12	26	26
10/31/12	84	84
8/31/14	83	83
9/30/15	83	83

81383 Carbonaceous oxygen demand, % removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
3/31/13	4	4
3/31/13	5	5
12/31/13	84	84
1/31/14	16	16
1/31/14	70	70
2/28/14	5	5
2/28/14	52	52
3/31/14	67	67

TRP3B IC25 Static Renewal 7 Day Chronic Chrceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	MINIMUM
Limit Value	100
DMR Values	
6/30/12	64.25
7/31/12	55.88
9/30/13	40.88
3/31/14	71.7
9/30/15	52.1





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 31 2016

CERTIFIED MAIL 7015 1730 0001 8044 2753  
RETURN RECEIPT REQUESTED

The Honorable Jill Holland  
Mayor of McKenzie  
Post Office Box 160  
McKenzie, Tennessee 38201

Re: Notice of Violation No. 309-2016-08  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: TN0020613  
McKenzie Sewage Treatment Plant

Dear Mayor Holland:

Pursuant to Section 309(a)(1) of the Clean Water Act, 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the City of McKenzie (City) that it has violated its National Pollutant Discharge Elimination System Permit No.: TN0020613 (Permit) for the McKenzie Sewage Treatment Plant. Specifically, the City's McKenzie Sewage Treatment Plant has violated effluent requirements for the parameters and months listed in the Enclosure.

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, and any other effluent violations that may have occurred from January 31, 2016, to the present, and provide a summary of actions taken or planned by the City to correct the problems and to prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

Ms. Alya Singh-White  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of Tennessee is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the Information Request, the EPA may take enforcement action, which may include issuance of an

administrative order, assessment of administrative penalties, or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Ms. Alya Singh-White at (404) 562-9339 or by e-mail at [singh-white.alya@epa.gov](mailto:singh-white.alya@epa.gov).

Sincerely,

James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: Ms. Tisha Calabrese Benton  
Tennessee Department of Environment and Conservation

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

## Permit TN0020613

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
MCKENZIE STP	0	Major	2/28/11	4/1/11	2/29/16

Version # 0

### Outfall 001G

#### 00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit		
Limit Unit Desc	Pounds per Day	Milligrams per Liter
Statistical Base	WKLY AVG	DAILY MX
Limit Value	667	45
DMR Values		
10/31/12	47	47
10/31/12	681	681

#### 00610 Nitrogen, ammonia total [as N] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Four per Week

Limit				
Limit Unit Desc	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	13.3	.8	1.2	1.6



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

00610 Nitrogen, ammonia total [as N] / Location 1 / Season 0 / Base

DMR Values				
5/31/12	1.5	1.5	1.5	1.5
5/31/12	3.3	3.3	3.3	3.3
6/30/12	1.5	1.5	1.5	1.5
6/30/12	3.3	3.3	3.3	3.3
7/31/12	2.8	2.8	2.8	2.8
7/31/12	3.3	3.3	3.3	3.3
9/30/12	1.7	1.7	1.7	1.7
10/31/12	2.8	2.8	2.8	2.8
10/31/12	3.2	3.2	3.2	3.2
5/31/13	1	1	1	1
5/31/13	1.48	1.48	1.48	1.48
5/31/13	3.04	3.04	3.04	3.04
6/30/13	1.4	1.4	1.4	1.4
6/30/13	19	19	19	19
6/30/13	2.7	2.7	2.7	2.7
6/30/13	3.2	3.2	3.2	3.2
7/31/13	1.26	1.26	1.26	1.26
7/31/13	24.2	24.2	24.2	24.2
7/31/13	2.8	2.8	2.8	2.8
7/31/13	3.1	3.1	3.1	3.1
9/30/13	2.38	2.38	2.38	2.38
9/30/13	2.9	2.9	2.9	2.9
9/30/13	3.3	3.3	3.3	3.3
10/31/13	2.02	2.02	2.02	2.02
10/31/13	2.52	2.52	2.52	2.52
10/31/13	2.7	2.7	2.7	2.7
5/31/14	1.31	1.31	1.31	1.31
5/31/14	1.72	1.72	1.72	1.72
5/31/14	2.12	2.12	2.12	2.12
8/31/14	1.26	1.26	1.26	1.26
8/31/14	1.5	1.5	1.5	1.5
8/31/14	1.76	1.76	1.76	1.76
5/31/15	1.06	1.06	1.06	1.06
5/31/15	2.4	2.4	2.4	2.4
5/31/15	3.3	3.3	3.3	3.3
6/30/15	1.78	1.78	1.78	1.78
6/30/15	3.3	3.3	3.3	3.3
7/31/15	2.18	2.18	2.18	2.18
7/31/15	3.3	3.3	3.3	3.3
8/31/15	1.13	1.13	1.13	1.13
8/31/15	1.34	1.34	1.34	1.34
8/31/15	3	3	3	3
9/30/15	2.87	2.87	2.87	2.87
9/30/15	3.25	3.25	3.25	3.25
9/30/15	3.3	3.3	3.3	3.3
10/31/15	1.66	1.66	1.66	1.66

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

00610 Nitrogen, ammonia total [as N] / Location 1 / Season 1 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Four per Week

Limit			
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	DAILY MX
Limit Value	1.6	2.4	3.2
<b>DMR Values</b>			
1/31/12	2.5	2.5	2.5
1/31/12	3.25	3.25	3.25
1/31/12	3.3	3.3	3.3
2/29/12	2.8	2.8	2.8
2/29/12	3.3	3.3	3.3
3/31/12	3.1	3.1	3.1
3/31/12	3.3	3.3	3.3
4/30/12	2.6	2.6	2.6
4/30/12	3.3	3.3	3.3
11/30/12	2.2	2.2	2.2
11/30/12	3.3	3.3	3.3
12/31/12	2.7	2.7	2.7
12/31/12	3.3	3.3	3.3
1/31/13	2.2	2.2	2.2
1/31/13	3.3	3.3	3.3
2/28/13	1.67	1.67	1.67
4/30/13	2	2	2
4/30/13	3.25	3.25	3.25
4/30/13	3.3	3.3	3.3
11/30/13	2.05	2.05	2.05
12/31/13	1.7	1.7	1.7
2/28/14	1.9	1.9	1.9
2/28/14	2.5	2.5	2.5
3/31/14	1.84	1.84	1.84
3/31/14	2.7	2.7	2.7

00720 Cyanide, total [as CN] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Twice per Year

<b>Limit</b>	
Limit Unit Desc	Milligrams per Liter
Statistical Base	MO AVG
Limit Value	.0047
<b>DMR Values</b>	
12/31/13	.005

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

01077 Silver, total [as Ag] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Twice per Year

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	DAILY MX
Limit Value	.0009
DMR Values	
12/31/14	.005

01094 Zinc, total recoverable / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Monthly

Limit		
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	DAILY MX
Limit Value	.2052	.2035
DMR Values		
2/28/14	.23	.23

31648 E. coli, MTEC-MF / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Three per Week

Limit	
Limit Unit Desc	Number per 100 Milliliters
Statistical Base	MO GEOMN
Limit Value	126
DMR Values	
2/28/14	127
3/31/14	131



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

50060 Chlorine, total residual / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	GRAB	Five per Week

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MAX
Limit Value	.02
<b>DMR Values</b>	
8/31/13	.05
11/30/13	.05
7/31/15	.05
8/31/15	.05
9/30/15	.05
10/31/15	.05
11/30/15	.05
12/31/15	.05

80082 BOD, carbonaceous [5 day, 20 C] / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit			
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	DAILY MX
Limit Value	10	15	20
<b>DMR Values</b>			
7/31/12	14	14	14
7/31/12	19	19	19
7/31/12	31	31	31
6/30/13	18	18	18
6/30/13	26	26	26
7/31/13	23	23	23
7/31/13	30	30	30
9/30/13	13	13	13
9/30/13	21.7	21.7	21.7
9/30/13	32	32	32
9/30/15	13	13	13
9/30/15	17	17	17
9/30/15	23	23	23

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

80082 BOD, carbonaceous [5 day, 20 C] / Location 1 / Season 1 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Three per Week

Limit					
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG	DAILY MX
Limit Value	250	334	15	20	25
DMR Values					
3/31/12	41	41	41	41	41
3/31/12	46	46	46	46	46
4/30/12	30	30	30	30	30
4/30/12	48	48	48	48	48
4/30/12	65	65	65	65	65
11/30/12	29	29	29	29	29
2/28/13	29	29	29	29	29
2/28/13	43	43	43	43	43
12/31/13	27	27	27	27	27
12/31/13	36	36	36	36	36
1/31/14	38	38	38	38	38
1/31/14	57.3	57.3	57.3	57.3	57.3
1/31/14	67	67	67	67	67
2/28/14	340	340	340	340	340
2/28/14	388	388	388	388	388
2/28/14	58	58	58	58	58
2/28/14	66	66	66	66	66
2/28/14	78	78	78	78	78
3/31/14	337	337	337	337	337
3/31/14	414	414	414	414	414
3/31/14	67	67	67	67	67
3/31/14	77	77	77	77	77
3/31/14	79	79	79	79	79
4/30/14	36	36	36	36	36
4/30/14	45	45	45	45	45

# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 1/31/2016 12:00:00 AM

Permit TN0020613

Version # 0

Outfall 001G

81011 Solids, suspended percent removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
10/31/12	26	26
10/31/12	84	84
8/31/14	83	83
9/30/15	83	83

81383 Carbonaceous oxygen demand, % removal / Location K / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	CALCTD	Three per Week

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	DAILY MN	MO AV MN
Limit Value	40	85
DMR Values		
3/31/13	4	4
3/31/13	5	5
12/31/13	84	84
1/31/14	16	16
1/31/14	70	70
2/28/14	5	5
2/28/14	52	52
3/31/14	67	67

TRP3B IC25 Static Renewal 7 Day Chronic Chrceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
4/1/11	2/29/16	COMPOS	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	MINIMUM
Limit Value	100
DMR Values	
6/30/12	84.25
7/31/12	55.88
9/30/13	40.88
3/31/14	71.7
9/30/15	52.1





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 20 2016

CERTIFIED MAIL 7015 1730 0002 0524 5369  
RETURN RECEIPT REQUESTED

Mr. Douglas Guy  
Standard Pacific  
444 West New England Avenue, Suite 220  
Winter Park, Florida 32789

Re: Notice of Violation, Opportunity to Show Cause, and Information Request Pursuant to  
Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318  
National Pollutant Discharge Elimination System Permit No.:  
DEP Document No. 62-621.300(4)(a)  
Waterside – Winter Garden, Orange County (FLR10NV91)

Dear Mr. Guy:

On March 24, 2015, the U.S. Environmental Protection Agency Region 4 conducted a Compliance Stormwater Evaluation Inspection (CSWEI) at the construction site located at 16851 Marsh Road, Winter Garden, FL 34787 Orange County (Site), known as "Waterside – Winter Garden" for which Standard Pacific of Florida GP, Inc. and CalAtlantic Homes are the Owners and Operators. The purpose of the CSWEI and subsequent 308 information request was to evaluate Standard Pacific's, compliance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 C.F.R. § 122.26; and the Florida Department of Environmental Protection's *Generic Permit for Stormwater Discharge from Large and Small Construction Activities*, Permit No. FLR100000 (Permit), effective February 17, 2009.

The CSWEI, as described in the enclosed report, and the response to the 308 information request revealed that Standard Pacific failed to comply with the requirements of the Permit and is therefore in violation of Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p). Specifically, Standard Pacific has failed to comply with the following Permit requirements:

1. **"Discharges of pollutants" from "point sources" within the Site to "navigable waters" of the United States (as such terms are defined in Section 502 of the CWA, 33 U.S.C § 1362) not authorized by an NPDES permit in violation of Section 301 of the CWA, 33 U.S.C. § 1311.** *Photographs taken during the inspection documented the migration of sediment into the lake front buffer (see photos DSCN1459-1464).*
2. **Facilities must implement the provisions of the stormwater pollution prevention plan (Plan) required under this part as a condition of the permit in accordance with Part V.A.** *During the inspection the EPA documented incorrect inlet protection and inlet protection in need of maintenance, missing and damaged silt fencing, missing concrete washout and tracking on the streets (see inspection report Section 6 that refers to these violations).*

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3. **The Plan shall be completed (including certification by the operator in accordance with Part VII.C.) prior to the submittal of an NOI to be covered under the Permit and updated as appropriate in accordance with Part V.B.1.a.** *The owners certification available during the March 25, 2015 EPA inspection was unsigned (see inspection report Sections 2, 3, and photo DSCN1469). The SWPPP was still unsigned at the time of the July 16, 2015 response to the 308 information request.*
4. **The Plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the Plan in accordance with Part V.C.1.** *Standard Pacific has failed to amend the Plan as needed to identify contractors that implement measures of the Plan. The 308 information request asked for information regarding contractors that have operated on the site and a copy of the SWPPP. Standard Pacific's Active Vendor List that was submitted in response contains approximately 47 companies. Several of these companies have responsibilities to implement the SWPPP, yet do not appear in either the Plan that was viewed at time of inspection or the Plan that was submitted in response to the 308.*
5. **The Plan shall include a description of appropriate controls, BMPs and measures that will be implemented at the construction site. The Plan shall clearly describe for each major activity identified in Part V.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented in accordance with Part V.D.2.** *The Plan lacks dates for the Estimated Sequence of Construction Activity – see photo DSCN1474 and inspection report Section 3. Section 2 in the SWPPP is not site specific as required by the permit and does not describe which of the possible stabilization and structural practices will be utilized at each site as the appropriate control measures. Furthermore, several of the control measures listed in Section 2.2 of the SWPPPs (like mulching, permanent seeding, and temporary seeding) were not observed on lots at the time of inspection. See inspection report Section 6 Stabilization Practices.*
6. **The Plan shall provide a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site and when stabilization measures are initiated shall be included in the Plan. Stabilization measures shall be initiated as soon as practicable, but in no case more than 7 days, in portions of the site where construction activities have temporarily or permanently ceased in accordance with Part V.D.2.a.(1).** *No site-specific scheduling was provided; see inspection report Section 6 Stabilization Practices. For a lack of records, see photo DSCN1474 which shows a blank Estimated Sequence of Construction Activity log, photo DSCN1482 which shows a blank Project Start and Complete Log, and inspection report Section 3. Areas of the site were unstabilized for greater than 7 days; see section 6 of the inspection report and photos of unstabilized soil (DSCN1437, DSCN1441, DSCN1442, DSCN1443, DSCN1444, DSCN1465, DSCN1493, DSCN1495, DSCN1496, DSCN1497, DSCN1498, and DSCN1500). No dates of major grading or construction activities were provided; see photos DSCN1474 and DSCN1482.*
7. **At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area in accordance with Part V.D.2.a.(3)(b).** *See photo DSCN1500 of a sideslope area without sediment controls.*



8. **The Plan shall include a description of stormwater management controls or BMPs (e.g., stormwater detention or retention systems, vegetated swales, velocity dissipation devices at discharge points) that will be installed during the construction process to control pollutants in stormwater discharges that will occur during construction and after construction operations have been completed in accordance with Part V.D.2.b. The Plan is overly general. The supporting documentation contained in the Plan's Erosion and Sediment Controls Table of Contents calls for checking boxes for the BMPs that will be included; no boxes were checked.**
9. **The Plan shall assure that off-site vehicle tracking of sediments and the generation of dust is minimized in accordance with Part V.D.2.c.(2). During EPA's inspection the agency documented sediment and soil accumulation in the street, tracking in the street and sediment along the curb. See inspection report Sections 5 and 6 Construction Entrance & Exit Control and Off-site Vehicle Tracking or Dust Control, and photos DSCN1437, DSCN1438, DSCN1439, DSCN1446, DSCN1447, DSCN1448, DSCN1449, DSCN1450, DSCN1451, DSCN1453, and DSCN1455.**
10. **The Plan shall address the proper application rates and methods for the use of fertilizers in accordance with Part V.D.2.c.(4). The Plan lacks application rates.**
11. **Timely maintenance of vegetation, erosion and sediment controls, stormwater management practices and other protective measures and BMPs shall be maintained so they remain in good and effective operating condition in accordance with Part V.D.3. Sediment was observed on curbsides, a lack of stabilization, offsite sedimentation, damaged silt fencing, and incorrectly installed silt fencing. See inspection report Section 3, 6 and photos DSCN1437, DSCN1438, DSCN1439, DSCN1440, DSCN1441, DSCN1442, DSCN1443, DSCN1444, DSCN1447, DSCN1448, DSCN1451, DSCN1452, DSCN1456, DSCN1465, DSCN1490, DSCN1493, DSCN1494, DSCN1495, DSCN1496, DSCN1497, DSCN1498, DSCN1499, and DSCN1500.**
12. **At least once every seven calendar days and within 24 hours of the end of a storm that is 0.50 inches or greater, a qualified inspector (provided by the operator) shall inspect all points of discharge into surface waters of the State or an MS4; disturbed areas of the construction sited that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural controls; and locations where vehicles enter or exit the site in accordance with Part V.D.4. At neither the time of inspection nor in the response to EPA's 308 information request were qualifications present for Scott Rathbone, who had conducted inspections at this site (see inspection report Section 4). At the time of inspection, certifications for David Hansen, who had conducted inspections at this site, were not present. In the 308 response, 9 certifications were provided. Three of the staff certificates that were present at time of inspection were not included in the 308 response; see inspection report Section 3. Some rain event inspections are missing. For example, 1/15/15-2/28/15 and 4/11/15. Inspections were not conducted once every seven days. For example, seven day inspections were not conducted for 1/15/15-2/28/15. Inspections are insufficient. Inspection reports do not include points of discharge.**
13. **Based on the results of the inspection, all maintenance operations needed to assure proper operation of all controls, BMPs, practices or measures identified in the Plan shall be done in a timely manner, but in no case later than 7 calendar days following the inspection in**



**accordance with Part V.D.4.b.** *See inspection report Section 4. The 3/23/15 and 3/16/15 inspection reports contained open actions that were not addressed within 7 days. For example, an issue with sediment in the gutters was identified on 3/9/15 and was still not remedied at the time of the 3/16/15 inspection.*

14. **A report summarizing the scope of the inspection; name(s) and qualifications of personnel making the inspection; the date(s) of the inspection; rainfall data; major observations relating to the implementation of the Plan; and actions taken in accordance with paragraph V.D.4.b. of the Permit, shall be made in accordance with Part V.D.4.c.** *See inspection report Section 4 and photo DSCN1487. Several inspection reports were incomplete. For example, rainfall data was not present on multiple inspection reports, including: 3/2/15, 4/20/15, 4/24/15, 6/2/15, 6/10/15, 6/21/15, 6/25/15, and 7/4/15.*
15. **The Plan must clearly identify, for each measure identified in the Plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the Plan must sign a copy of the certification statement in Part V.D.6.b. of the Permit. All certifications must be included in the Plan in accordance with Part V.D.6.** *Only one Contractor Certification was signed at time of inspection; see photo DSCN1470 and inspection report Section 3. Contractor Certifications still do not exist for all contractors.*
16. **The permittee shall retain a copy of the Plan and all reports, records and documentation required by the Permit at the construction site, or an appropriate alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization in accordance with Part VI.B.** *See inspection report Sections 3 and 4. The NOI states that the SWPPP and all records shall be stored onsite at 16851 Marsh Road. These records were not maintained onsite.*
17. **Inspection reports prepared pursuant to Part V.D.4.c. of the Permit shall be signed by the qualified inspector that prepared them as well as by a responsible authority for the operator as specified in Part VII.C.1 above in accordance with Part VII.C.2.** *The 7/6/15 inspection report is not signed by a Standard Pacific Representative. The 6/2/15 inspection report is not signed by the inspector.*

Until compliance with the CWA is achieved, Standard Pacific is considered to be in violation of the CWA and may be subject to enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. This section provides for the issuance of administrative penalty and/or compliance orders and the initiation of civil and/or criminal actions.

Therefore, the EPA requests that representatives of Standard Pacific contact the EPA within 10 business days of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal civil enforcement action against Standard Pacific for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. Standard Pacific should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including but not limited to any financial information which may reflect an inability to pay a penalty. The EPA is continuing to investigate Standard Pacific's compliance with the CWA. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that Standard Pacific provide the EPA with a written response to the Notice of Violation containing documentation that the EPA should consider relevant to

the alleged violations within 25 business days of receipt of this letter and prior to the show cause meeting. Standard Pacific has the right to be represented by legal counsel.

Standard Pacific's response should be submitted to:

LCDR Tara Houda  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and 18 U.S.C. § 1001.

If Standard Pacific believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data.

All information submitted in response to this information request and/or during the show cause meeting must be accompanied by the following certification that is signed by a duly authorized official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show cause meeting may result in a unilateral enforcement action against Standard Pacific. Notwithstanding the scheduling of a show cause meeting, the EPA retains the right to bring further enforcement action under Sections 309 of the CWA, 33 U.S.C. § 1319, for the violations cited therein or for any other violation of the CWA.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.



Please contact LCDR Tara Houda at (404) 562-9762 to arrange a show cause meeting. Should you have any questions or concerns, please contact Ms. Houda. Legal inquiries should be directed to Mr. Wayne Lee, Associate Regional Counsel, at (404) 562-9523.

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosures

cc: Ms. Jessica Kleinfelter  
Florida Department of Environmental Protection

Mr. Mike Kelley  
City of Winter Garden

Mr. Rocco Cafero  
Hill Ward Henderson

Mr. Jeffrey Longsworth  
Barnes & Thornburg LLP





U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street SW, Atlanta, GA 30303  
**Water Compliance Inspection Report**

**FACILITY DATA**

NPDES ID: FLR 10NV91	Effective Date: 3/21/2014	Expiration Date: 3/20/2019
Facility Name: Waterside - Winter Garden		
Address: 16851 Marsh Road, Winter Garden, FL 34787 (Orange County)		
On-Site Representative(s), Title, Phone Number:	Responsible Official, Title, Phone Number, Mailing Address:	
Douglas Guy, Vice President of Construction, 407-645-6512	Stephen Polachek 407-645-6515	
Bryan Pippin, Site Representative	444 West New England Avenue, Suite 220	
Kenny McKettrick, Highs Brothers (original Site Developer)	Winter Park, FL 32789	

**INSPECTION ENTRY DATES/TIMES**

Entry Date/Time: 3/25/2015 9:58 AM	Exit Date/Time: 3/25/2015 11:12 AM
------------------------------------	------------------------------------

**NAMES OF EPA AND STATE INSPECTORS**

Tara Houda, EPA	Efren Vazquez, Orange County
Michael Hom, EPA	Mary Lawrence, FDEP

**AREAS EVALUTAEED DURING INSPECTION (Check those areas evaluated)**

<input type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self-Compliance Program	<input type="checkbox"/> Pretreatment
<input checked="" type="checkbox"/> Records/ Records	<input type="checkbox"/> Compliance Schedule	<input type="checkbox"/> Pollution Prevention
<input type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water
<input type="checkbox"/> Effluent/ Receiving Waters	<input type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/ Disposal	<input type="checkbox"/> Sanitary Sewer Overflow

**INSPECTION NOTES**

See attachment.

**USEPA REPRESENTATIVES**

Inspector Signature/Name	Office/Phone Number	Date
 Tara Houda, Env Scientist	USEPA Region 4/WPD-NPEB 404-562- 9762	4/8/2015
 Michael Hom, Env Engineer	USEPA Region 4/WPD-NPEB 404-562-9748	4/15/15
Management Signature/Name	Office/Phone Number	Date
 Dan O'Lone, Stormwater and Residuals Enforcement Section Chief	USEPA Region 4/WPD-NPEB 404-562-9434	4/24/15



## NPDES Construction Stormwater Worksheet (Florida)

### 1. FACILITY LOCATION INFORMATION

GPS Coordinates	Lat (dec)	28° 30' 57.21"		Long (dec)	-81° 38' 20.27"	
Receiving Water(s) or MS4	Johns Lake via wetlands				Weather Condition: overcast	
Total site area acres & disturbed acres	87.00	55.00	Construction Start Date	6/1/2014	Construction End Date	5/31/2019
NOI or Coverage Letter posted Part III.C.2	YES		Date of NOI	3/14/2014	Discharge to 303(d) listed or TMDL waters?	EPA review found that Johns Lake (FL2873C is Impaired for Mercury & Nutrients

### 2. BASIC SWPPP INFORMATION

SWPPP TOPICS	Evaluation
SWPPP on site or as specified in NOI? Part VI.B	YES
SWPPP certified? Part V.B.a	NO
SWPPP modified or update to current conditions? Part V.C	YES
SWPPP identifies all contractors/subcontractors with certification? Part V.D.6	NO
SWPPP identifies all potential sources of pollutants? Part V.A	YES
Construction schedule describes the intended sequence and implement date of BMPs? Part V.D.1.b	NO
Direction of stormwater flows and slopes identified on map? Part V.D.1.e	NE
Major structural and nonstructural BMP controls located on map? Part V.D.1.e	YES
Name of receiving water(s)/wetland(s) or MS4 listed on map? Part V.D.1.e	NE
Stormwater discharge/outfall location(s) identified on map with lat-long? Part V.D.1.e & f	NE
Address post-construction stormwater management measures? Part V.D.2.b	YES
BMP maintenance requirements consistent with permit & good engineering practices? Part V.D.3	NO

### 3. SITE DESCRIPTION and SWPPP

- 2 model homes were under construction at time of inspection. The rest of Phase I has already been cleared and graded and consists of 160 lots.
- Alpha EMC performs inspections for this site and is responsible for doing ½" rain event inspections. Site representatives stated that they use a rain gauge on this site, but were unable to locate it.
- Site representatives stated that concrete and paint washouts are ordered, but have not yet been installed. Note that concrete work has already been done at 2 model homes on site.
- The development is entirely Standard Pacific.
- NOI specifies SWPPP will be at project site. The SWPPP was prepared by Alpha EMC on 3/14/14.



- SWPPP:
  - Owners Certification is unsigned.
  - Sub-contractor certifications include signature by John Mandato (3/14/14) for Alpha Environmental Management Corp, LLC (Alpha EMC).
  - There was a 2015 Precipitation Log completed for March 1-23. January and February on this log were blank. It shows that there were no ½" + rain events in March. The weather source listed is NOAA.
  - Page 4 of the SWPPP is incompletely filled out; the NOI Posting Location and SWPPP Location are blank.
  - The SWPPP (page 4) specifies that Inspection Reports are to be kept in Tab 4 of the SWPPP binder and not in a offsite location.
  - Page 6 Estimated Sequence of Construction Activity is blank for the date fields.
  - Training records were present for: Aly Furlong 8/10/13, Laura Garlitz 9/28/12, Tyler Gidden 3/7/12, Kenneth Mullen.
  - The Project Start and Complete Log was blank.\*
  - There were no amendments in the SWPPP Amendment Log.

#### 4. RECORDS REVIEW

Records Review	Evaluation
Representative on-site?	YES
Records (SWPPP/reports/documentation) available on-site? Part VI.B	NO
Stabilization measures initiated within 7 days after construction has ceased in an area? Part V.D.2.a.(1)	NO
Inspections conducted once/7 days & within 24 hrs after ≥ 0.50 in of rain? Part V.D.4.	NE
Inspections conducted by qualified personnel of discharge points, disturbed areas without final stabilization, areas for storage of materials exposed to precipitation, structural controls, entrance/exit? Part V.D.4	NO
Inspection reports complete and adequate? (ID non-compliance or certification of compliance) Part V.D.4.c	NO
Inspection reports signed & certified? Part VII.C	YES
<b>Date of the latest inspection report and brief description of findings</b> <ul style="list-style-type: none"> <li>• Site inspections: 3/23/15, 3/16/15, 3/9/15. Other site inspection reports are at corporate office at Winter Park, FL. Scott Rathbone was the inspector for the 3/23/15 inspection; there were no training records for him in the SWPPP. Item B had an open action from 3/2/15 for "other SWPPP Pending". Item H called for "Clean out curb inlet protection and place both sock pipes at entrance to site. Clean out curb inlet protection and replace sock pipe at lot 4 as well as across from lot 4. Clean out curb inlet protection near intersection of harbor oak way and broad water ave" these items were noted on 3/23/15 and had not been completed on the report. Item K calls for "Remove sediment from street &amp; gutters throughout site" and shows that it was noted on 3/16/15 and was completed on 3/23/15. The 3/16/15 inspection called for (K-2015-3-9-1) removing sediment from street and gutters which was noted on 3/9/15 and completed on 3/16/15, it also calls for (K-2015-3-16-1) removed sediment from street &amp; gutters assigned on 3/16/15 with a responsive action completed 3/23/15 and electronically initialed. However, this appears to be impossible since the printed document was signed on 3/16/15. The 3/9/15 inspection report lists item K-2015-3-9-1 to remove sediment from street and gutters as being assigned on 3/9/15 and completed on 3/16/15 which appears to be impossible since the printed document was signed on 3/9/15. The 3 inspection reports are noting the problem observed of sediment on the streets and gutters, but the inspections are failing to address one of the root causes which is the inadequate stabilization observed across the site. Inspections also appear to have been signed by a Standard Pacific representative, but the signatures are not legible.</li> </ul>	3/23/2015
Maintenance/corrective actions taken within 7 calendar days of inspection? Part V.D.4.b	NO

#### 5. OUTFALL, STORMWATER DISCHARGE & RECEIVING WATER OBSERVATIONS



Outfall, Stormwater Discharge & Receiving Water	Evaluation	Comments
Number & location of stormwater discharge(s)/outfall(s) consistent with the SWPPP?	YES	SWPPP lists 4 discharge points: 1. 6.50 acres to Johns Lake via wetlands, 2. 5.80 acres disturbed to Johns Lake via wetlands, 3. 17.6 acres disturbed to Johns Lake via wetlands, 4. 25.1 acres disturbed to Johns Lake via wetlands.
Evidence of off-site accumulation of sediment observed in receiving water?	NE	
Other discharges or potential discharges off-site (not through permitted outfalls)?	YES	Sediment was observed in curbs, gutters, and clogging storm inlets.
Non-stormwater discharge observed?	NO	

#### 6. FIELD EVALUATION & SWPPP IMPLEMENTATION

Structural Practices Part V.D.2 Part V.D.2.a.(2)	Check BMPs Listed in the SWPPP	Note location, quantitative description, design issue, O&M deficiencies (including the nature and extent), and sediment off-site
Silt Fences	YES	Incorrectly installed silt fencing and poorly maintained silt fencing was observed (see photo log). BMP map (photo log, DSCN1489) calls for silt fencing at the rear of lots that are directly adjacent to a stormwater pond, waterbody of the state, or wetland. Silt fencing did not extend the entire length of disturbance by the lake as specified in SWPPP.
Storm Drain Inlet/Outlet Protection (Specify: Filter Fabric, Gravel Bags, etc.)	YES	Inlet protection called for is a tube wrapped in fabric and held in place by 2 bags of sand or gravel. A fabric cloth on the grate was also utilized. In multiple places the inlet protection was in need of maintenance (see photo log).
Sedimentation Basin (required for every 10 disturbed acres drained or equivalent controls) Part V.D.2.a.(3)	YES	The areas listed as draining to the outfalls add up to 55, which is the disturbed acreage in the SWPPP.
Construction Entrance & Exit Control		No construction entrance was observed on active model home lots (see photo log).
Rock outlet protection at outfall		No (see photo log).
Stabilization Practices Part V.D.2.a.(1) Part V.D.3	Check BMPs Listed in the SWPPP	Temporary or permanent stabilization must be initiated w/in 7 days on portions of site where construction activities have temporarily or permanently ceased
Seeding	YES	Several inactive lots were inadequately stabilized (see photo log). Site representatives stated that the majority of the lots (excluding model home lots) were last worked in summer of 2014.

<b>Sodding</b>	YES	SWPPP calls for a 4 foot strip of sod along curbsides (see photo log, DSCN1477). This was observed in need of maintenance in multiple locations (see photo log). BMP map called for "install curbside BMP", but site representatives did not know what the curbside BMP was (photo log, DSCN1489).
<b>Other BMP Controls to Reduce Pollutants</b>	<b>Check BMPs Listed in the SWPPP</b>	<b>Comments</b>
<b>Proper Disposal of Construction Debris, Chemicals, Litter &amp; Sanitary Waste</b> Part V.D.2.c.(1)	YES	Litter was observed on site (see photo log). Port-o-lets were observed along curbside (see photo log). The BMP map (photo DSCN1489) calls for them to be placed 5' from the curb. Dumpster was observed in curb (see photo log).
<b>Off-site Vehicle Tracking or Dust Control</b> Part V.D.2.c.(2)	YES	Vehicle tracking was observed (see photo log).
<b>Proper Storage &amp; Control of Toxic Substances (ie, paint, solvents, petroleum, etc.)</b> Part V.D.2.c.(5)	YES	Gas containers were observed placed in the street. Paint washout was not installed.
<b>Concrete Wash Down Control</b>	YES	No concrete washout was installed. Two lots were having model homes built and the foundations were installed at time of inspection. Some wet concrete was observed on the ground (see photo log).
<b>Exit interview conducted with:</b> Douglas Guy		
<b>Additional inspection summary, narrative, findings, comments, etc, as necessary:</b> <ul style="list-style-type: none"> <li>• Gullies</li> <li>• Inadequate stabilization</li> <li>• Inspection reports not on site</li> <li>• Poor inlet protection</li> <li>• Tracking</li> <li>• Oil spotting</li> <li>• No awareness in regards to location of where a rain gauge is that is supposedly in use.</li> <li>• Port-o-lets by curb</li> </ul>		





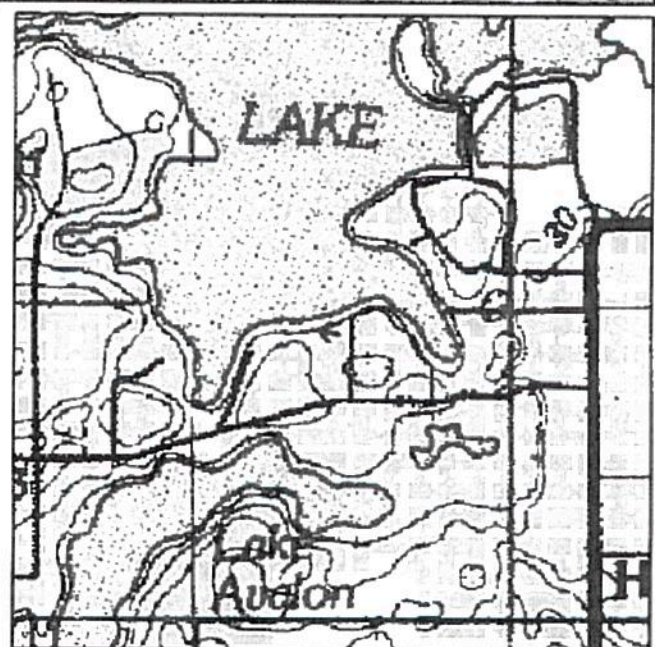
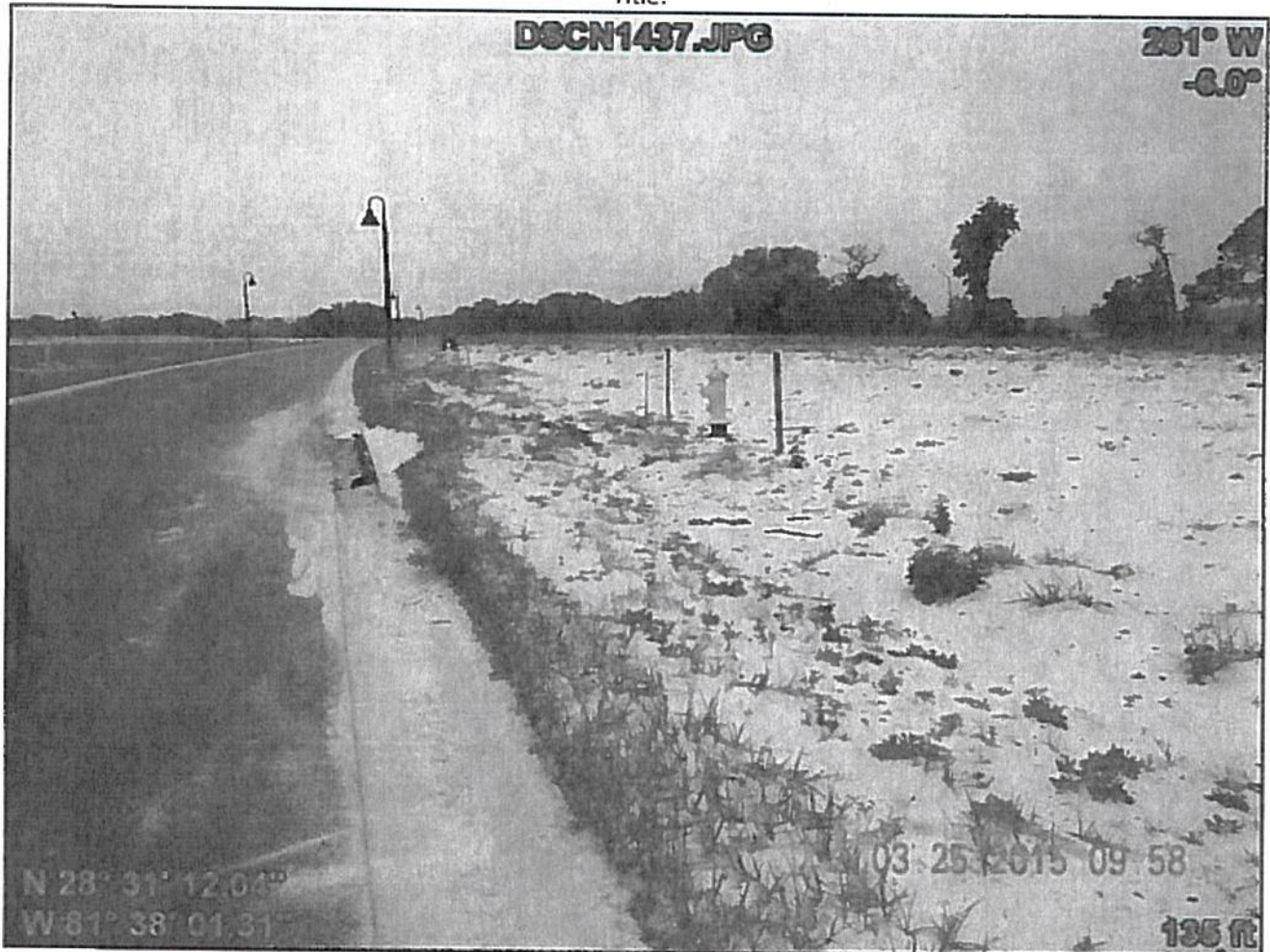
**Standard Pacific's Waterside Phase 1  
(Waterside – Winter Garden)  
Stormwater Inspection  
FLR10NV91**

March 25, 2015  
US EPA - Region 4

**Overview Map**







## Attributes

## Description

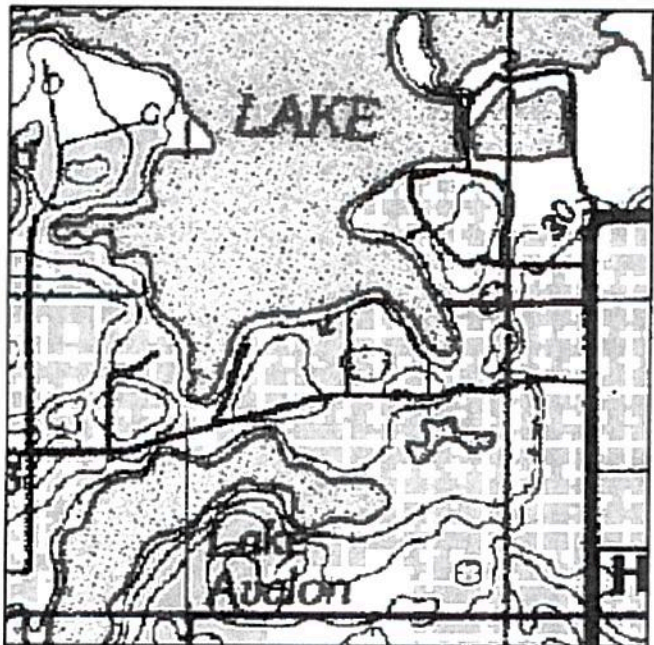
Sediment clogging inlet protection which is in need of maintenance. Inlet protection is lacking 1 bags to hold it in place. Sediment in street and curb. Poor



Attributes	
	stabilization on lots.

DSCN1438.JPG

Title:



Attributes	
Description	Sediment clogging inlet protection which is in need of

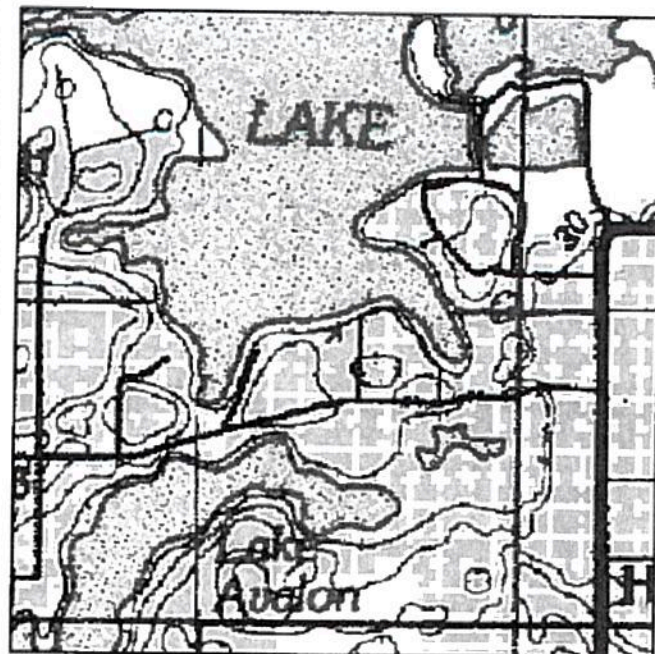
Attributes	
	<p>maintenance. Inlet protection bags designed to hold inlet protection place has degraded to the point of becoming a source of pollution. Sediment in street and curb. Poor stabilization on lots.</p>

DSCN1439.JPG

Title:





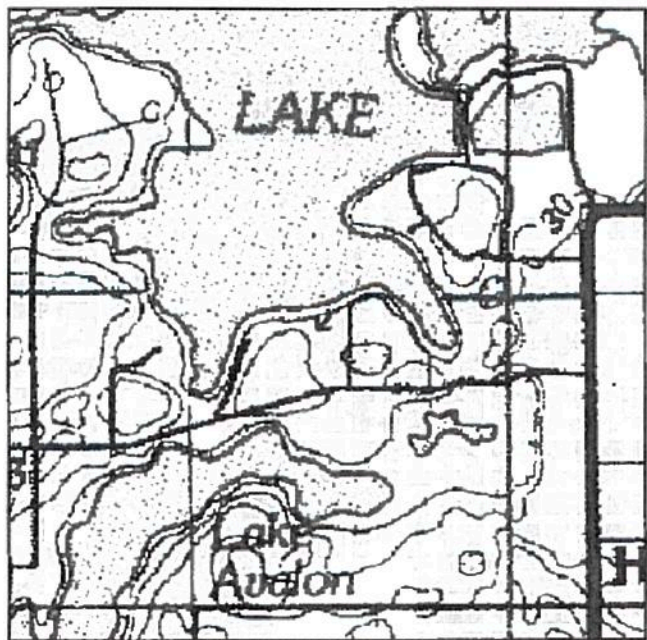
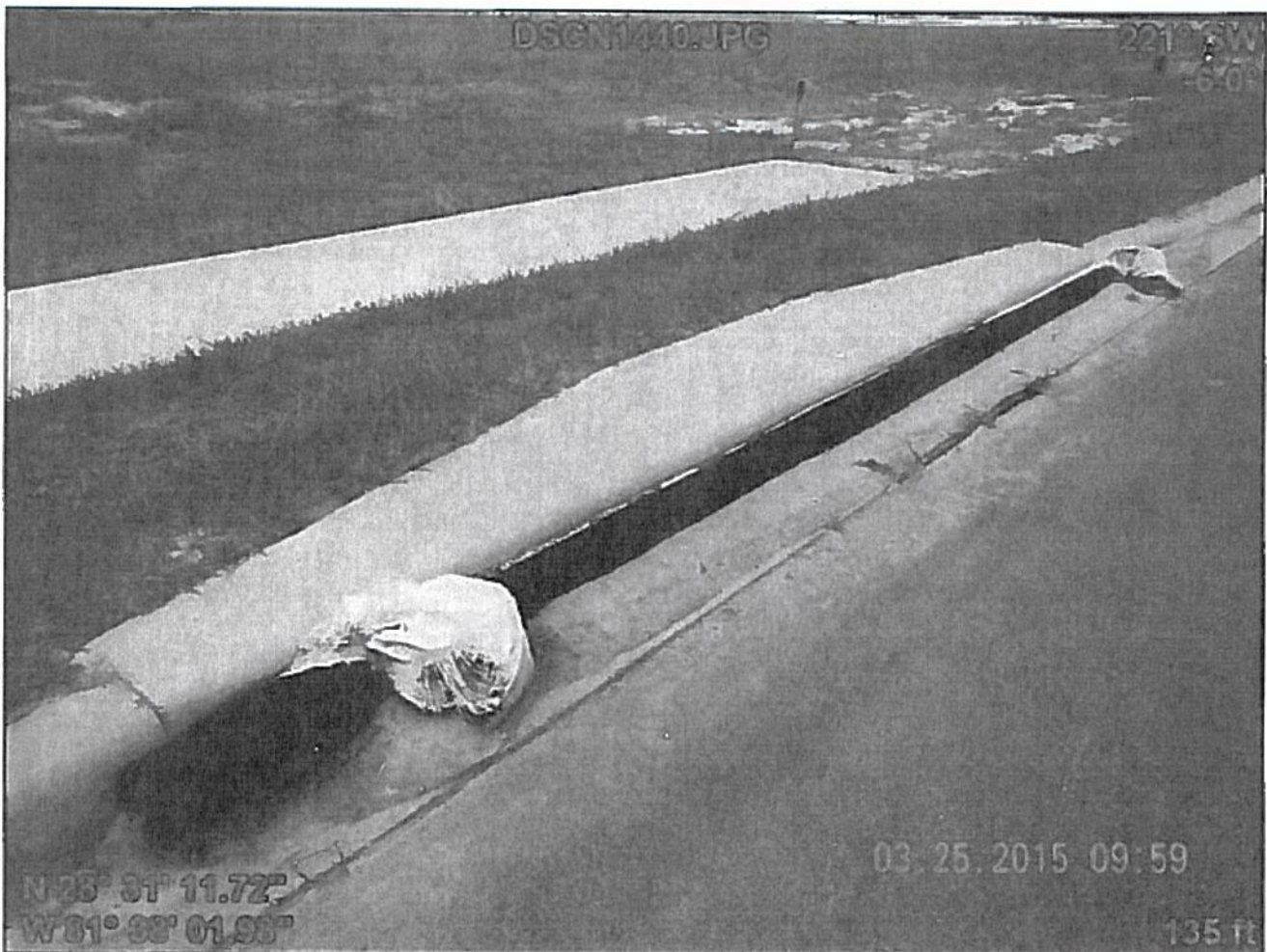


Attributes	
Description	Sediment clogging inlet protection which is in need of maintenance. Inlet protection bags designed to hold inlet protection place has degraded to the point of becoming a source of pollution. Sediment in street and curb. Poor stabilization on lots.

DSCN1440.JPG

Title:





Attributes	
Description	Sediment clogging inlet protection which is in need of maintenance. Inlet protection bags designed to hold inlet protection place has degraded to the point of becoming a source of pollution. Sediment in street and curb.

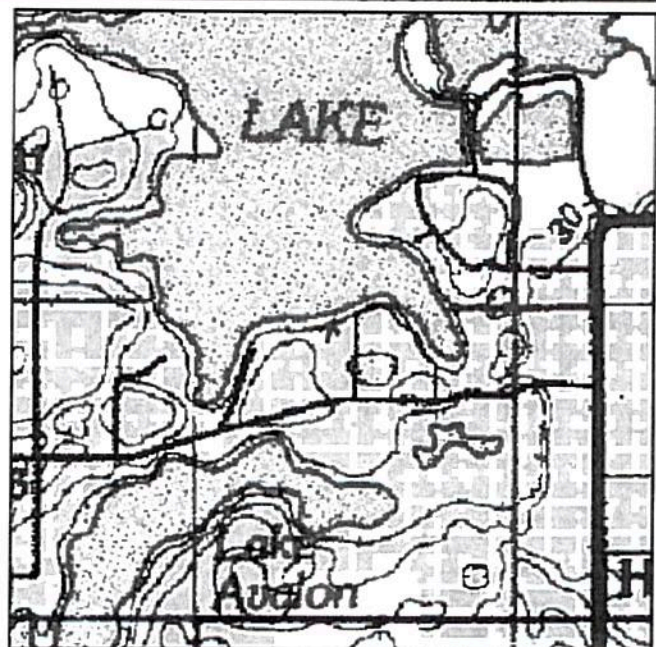
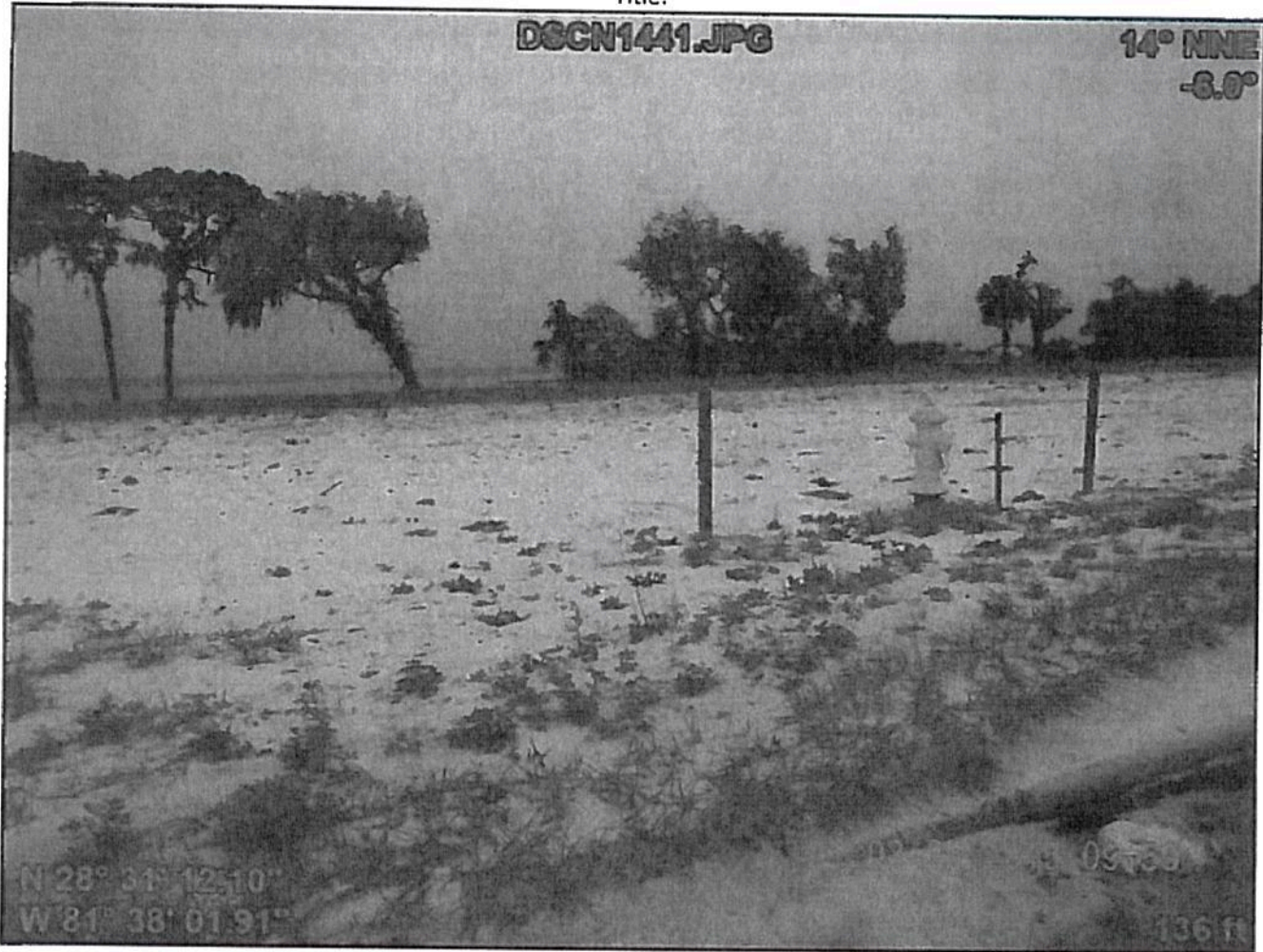


DSCN1441.JPG

Title:

DSCN1441.JPG

14° NNE  
-6.0°



Attributes

Description

Sediment clogging inlet protection which is in need of maintenance. Inlet protection bags designed to hold



Attributes	
	inlet protection place has degraded to the point of becoming a source of pollution. Sediment in curb. Poor stabilization on lots. This is across from lot 127.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

MAR 09 2016

CERTIFIED MAIL 7014 2870 0000 3318 2916  
RETURN RECEIPT REQUESTED

Mr. Patrick Smith

Exemption 6 Personal Privacy

Re: Information Request Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318

Dear Mr. Smith:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency Region 4 requests that Smith Towing, Hill City Towing, Bay City Towing and Yazoo River Towing Companies (collectively "the Towing Companies") provide information regarding the operation of vessels owned and/or operated by the Towing Companies in waters of the United States. The request is being sent to you as you are listed as the President and the Registered Agent by the Mississippi Secretary of State for all the above named companies. This information is being sought to determine if any vessels owned and/or operated by the Towing Companies require a National Pollutant Discharge Elimination System (NPDES) Vessel General Permit (VGP) for discharges incidental to the normal operation of vessels, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

This information request applies to all vessels owned and/or operated by the Towing Companies in waters of the United States. If you are the owner/operator of any other companies operating vessels in the waters of the United States this information request also applies to those vessels. For each vessel (including barges) greater than or equal to 79 feet please provide the following information:

1. Vessel name, length and registered gross tonnage.
2. Ballast water treatment system type and capability in gallons or cubic meters, if applicable.
3. VGP Tracking Number.
4. Vessel IMO or U.S. Coast Guard Number.
5. A copy of the Permit Authorization and Record of Inspection Form (PARI) form, if applicable (Appendix K of the Vessel General Permit) for vessels equal to or greater than 79 feet that are not required to submit a Notice of Intent (NOI), with the proper signatures as indicated on the form.
6. The Coast Guard Sector or Sectors that the vessel typically operates.



As the President of the Towing Companies, you or your representative is required to respond to this information request within fifteen (15) days of its receipt of this letter. The response should be directed to:

Mr. Dennis Sayre  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

All information submitted must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

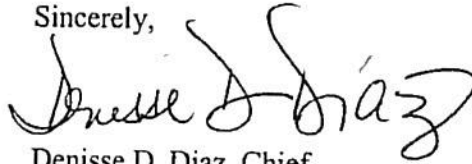
The Towing Companies shall preserve, until further notice, all records (either written or electronic) which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. Environmental Protection Agency, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure A.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

If you have questions regarding this notice and information request, please feel free to contact Mr. Dennis Sayre at (404) 562-9756 or at [Dennis.Sayre@epa.gov](mailto:Dennis.Sayre@epa.gov) if your questions are of a legal nature please contact Ms. Wilda W. Cobb at (404) 562-9530 or at [cobb.wilda@epa.gov](mailto:cobb.wilda@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Denisse D. Diaz". The signature is fluid and cursive, with the first name "Denisse" and last name "Diaz" clearly distinguishable.

Denisse D. Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division

Enclosures

cc: USCG Sector Lower Mississippi River



## ENCLOSURE A

### RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The Environmental Protection Agency regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(S)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 24 2016

CERTIFIED MAIL 7015 1730 0002 0524 4621  
RETURN RECEIPT REQUESTED

Mr. Glen Trofatter  
Director, Division of Water Pollution Control  
Bureau of Water  
South Carolina Department of Health and Environment Control  
2600 Bull Street  
Columbia, South Carolina 29201

Re: Administrative Order No. CWA-04-2016-4753  
NPDES Permit No.: SC0021776  
Edgefield County Water & Sewer Authority Johnston #1 Plant

Dear Mr. Trofatter:

Pursuant to Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a), I have determined that the above referenced facility is in violation of Section 402 of the CWA, U.S.C. § 1342. As a result, I have issued an Administrative Order (AO), a copy of which is enclosed for your reference. The AO is presently being served.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina".

James D. Giattina  
Director  
Water Protection Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL 7015 1730 0002 0524 4638  
RETURN RECEIPT REQUESTED

FEB 24 2016

Mr. Glen Wagner  
City Manager, City of Dillon  
P.O. Box 431  
401 West Main Street  
Dillon, South Carolina 29536

Re: Administrative Order No. CWA-04-2016-4753  
National Pollutant Discharge Elimination System Permit No.: SC0021776  
City of Dillon Waste Water Treatment Plant

Dear Mr. Wagner:

Pursuant to Section 309(a) of the Clean Water Act (CWA), as amended, the Director, Water Protection Division, Region 4, United States Environmental Protection Agency, has determined that the above named facility is in violation of Section 402 of the CWA. As a result, the Director has issued the enclosed Section 309 Order.

This Order is issued to enforce existing requirements under the CWA and therefore, does not replace, modify or eliminate any other requirement of the CWA. Notwithstanding the issuance of this Section 309(a) Order, the EPA retains the right to bring further enforcement action under Section 309(d) or 309(g) of the CWA, for the violations cited in this Order and for any other violation of the CWA. Violations of the CWA, including requirements contained in a National Pollutant Discharge Elimination System permit or a Section 309(a) Order, remain subject to a civil penalty of up to \$37,500 per day for each violation, pursuant to Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), as amended by the *Civil Monetary Penalty Inflation Adjustment Rule*, 78 Fed. Reg. 66643 (November 6, 2013). Such violations may also be subject to criminal penalties pursuant to Section 309(c) of the CWA, 33 U.S.C. § 1319(c).

Should you have any questions concerning the enclosed Order, please contact Mr. Maurice L. Horsey, IV., Chief of the Municipal & Industrial Enforcement Section at (404) 562-9764.

Sincerely,

Denisse D. Diaz  
NPDES Permitting and Enforcement Branch  
Water Protection Division

Enclosure

cc: Mr. Glen Trofatter  
South Carolina Department of Health and Environmental Control



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

<b>IN THE MATTER OF:</b>	) <b>ADMINISTRATIVE ORDER</b>
	)
<b>CITY OF DILLON WASTE WATER</b>	)
<b>TREATMENT PLANT,</b>	) <b>DOCKET NO. CWA-04-2016-4753</b>
<b>SOUTH CAROLINA</b>	)
_____	)

**I. STATUTORY AUTHORITY**

1. The following Findings are made and Order issued pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency, Region 4, by Sections 308(a) and 309(a)(3) of the CWA, 33 U.S.C. §§ 1318(a) and 1319(a)(3), as amended. This authority has been delegated to the Regional Administrator of the EPA, Region 4, and further delegated by the Regional Administrator to the Director of the Water Protection Division.

**II. FINDINGS**

2. The City of Dillon (hereinafter, the "Respondent") is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and is thus subject to its requirements.

3. At all times relevant to this action, the Respondent owned and/or operated a Publicly Owned Treatment Works ("POTW"), Plant #1, the Little Pee Dee plant, located East of the Dillon city limits and South of State Hwy 9, Dillon County, South Carolina, duly organized and existing under the laws of the South Carolina.

4. To accomplish the objective of the Clean Water Act ("CWA"), defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into the navigable waters of the United States, except in compliance with certain sections of the CWA.

6. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the owner or operator of any point source to, among other things, provide such information as the EPA may reasonably require to determine if any person is in violation of an effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard or standard of performance.

7. On March 13, 2015, the EPA issued Notice of Violation No.: 309-2015-07 (NOV) to the City of Dillon letter pursuant to Section 309 of the CWA, 33 U.S.C. § 1319(a) (Attachment A) that was delivered on March 16, 2015, at 1:31 pm. The NOV required the Respondent to provide the EPA information within thirty (30) days of receipt of the NOV. The EPA has not received a response to the NOV.

8. Based on records maintained by the EPA, Region 4, the Respondent has failed to submit the required information in the timeframe required by the EPA's NOV letter, which was lawfully issued under the authority of Section 309 of the CWA, 33 U.S.C. § 1319(a).

9. Therefore, the EPA, Region 4, has determined that the Respondent has violated Section 308(a) of the CWA, 33 U.S.C. § 1318.

10. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue a compliance order to any person who is in violation of Section 308 of the CWA, 33 U.S.C. § 1318, or to bring a civil action for appropriate relief in accordance with Section 309(b) of the CWA, 33 U.S.C. § 1319(b).

### **III. ORDER**

11. Based on the foregoing Findings and pursuant to the authority of Sections 308 and 309(a)(3) of the CWA, 33 U.S.C. §§ 1318 and 1319(a)(3), IT IS HEREBY ORDERED that the Respondent comply with the following requirements:

12. Within thirty (30) days of the Effective Date hereof, Respondent shall fully respond to the attached Information Request letter (Attachment A).

13. All reports, notifications, documentation and submittals required by this Order shall be signed by a duly authorized representative of the Respondent as specified by 40 C.F.R. §§ 122.22(b)(2) and (d) and shall include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

14. All reports, notifications, documentation and submittals required by this Order shall be sent by certified mail or its equivalent to the following address:



Denisse D. Diaz, Chief  
NPDES Permitting and Enforcement Branch  
Water Protection Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960  
ATTN: Mr. Namon Mathews

#### **IV. GENERAL PROVISIONS**

15. As provided by Section 309(a)(4) of the CWA, 33 U.S.C. § 1319(a)(4), prior to complying with this Order, the Respondent shall have the opportunity, for a period of twenty-one (21) days from receipt of this Order, to confer with the following designated EPA, Region 4, representative:

James D. Giattina  
Director  
Water Protection Division  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960

16. This Order shall become effective immediately upon the expiration of said period for consultation (the "Effective Date"), unless a conference is held pursuant to this paragraph and, based on such conference, the EPA, Region 4, notifies the Respondent in writing that reconsideration of this Order is warranted.

17. To make arrangements to confer with the EPA pursuant to Paragraph 16, the Respondent may contact Namon Mathews, NPDES Permitting and Enforcement Branch, Municipal & Industrial Enforcement Section, 61 Forsyth Street, Atlanta, Georgia 30303-8960 or via email at [Mathews.Namon@epa.gov](mailto:Mathews.Namon@epa.gov).

18. Failure to comply with the requirements herein shall constitute a violation of this Order and the CWA, and may subject the Respondent to penalties as provided in Section 309(d) of the CWA, 33 U.S.C. § 1319(d).

19. This Order shall not relieve the Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. Compliance with this Order shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

20. Nothing in this Order shall be construed as prohibiting, altering, or in any way limiting the ability of the United States to seek any other remedies or sanctions available by virtue of the Respondent's violation of this Order or of the statutes and regulations upon which

this Order is based, or for Respondent's violation of any federal or state statute, regulation or permit.

21. Nothing in this Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this Order. The United States does not waive any right to bring an enforcement action against the Respondent for violations of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment or to pursue criminal enforcement.

22. This Order applies to and is binding upon the Respondent and its officers, directors, employees, agents, successors and assigns.

23. Any change in the Respondent's legal status, including but not limited to any transfer of assets of real or personal property, shall not alter Respondent's responsibilities under this Order.

24. Pursuant to Section 309(a)(4) of the CWA, 33 U.S.C. § 1319(a)(4), the EPA has sent a copy of this Order to the State of South Carolina

25. The provisions of this Order shall be deemed satisfied upon a determination by the EPA that the Respondent has fully completed and implemented the actions required by this Order.

#### **V. EFFECTIVE DATE**

26. The effective date of this Order shall be as specified in Paragraph 16.

**IT IS SO ORDERED,  
BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:**

  
\_\_\_\_\_  
James D. Giattina, Director  
Water Protection Division

Date: 2/23/16





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960  
MAR 12 2015

CERTIFIED MAIL 7012 1010 0002 0759 5055  
RETURN RECEIPT REQUESTED

Mr. Doug Hooks  
City of Dillon  
P.O. Box 431  
Dillon, South Carolina 29536

Re: Notice of Violation No.: 309-2015-07  
Information Request pursuant to 308 of the Clean Water Act  
National Pollutant Discharge Elimination System Permit No.: SC0021776  
City of Dillon Waste Water Treatment Plant

Dear Mr. Hooks:

Pursuant to Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. §1319(a)(1), the U.S. Environmental Protection Agency Region 4 hereby notifies the City of Dillon (City) it has violated its National Pollutant Discharge Elimination System Permit No.: SC0021776 (Permit). Specifically, the City has violated effluent requirements for the parameters and the months listed in the Enclosure.

The EPA requests, pursuant to Section 308 of the CWA, 33 U.S.C. §1318, that the City provide a written explanation of the reasons for each of the aforementioned violations, any other effluent violations that may have occurred from January 1, 2015, to the present. Additionally, please provide a summary of actions taken or planned by the City to correct the problems and prevent future violations. In instances where the actions are planned, please include a schedule for completing the actions.

All information submitted must be accompanied by the following certification signed by a responsible official:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

The City must submit this information within 30 days of receipt of this correspondence. The submittal must be addressed to:

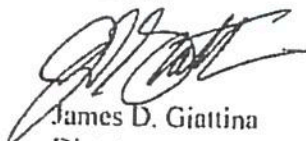
Mr. Namon Mathews  
U.S. Environmental Protection Agency, Region 4  
NPDES Permitting and Enforcement Branch  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

The State of South Carolina (State) is being concurrently notified of these findings. The EPA is coordinating with the State to ensure that timely and appropriate enforcement action is taken and compliance with the conditions of the Permit is achieved.

If these violations are not resolved in a timely or appropriate manner, and/or the City fails to respond to the information request, the EPA may take enforcement action, which may include issuance of an administrative order, assessment of administrative penalties or initiation of a civil judicial action pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

If you have questions regarding this notice and information request, please contact Mr. Namon Mathews at (404) 562-9777 or via e-mail at [mathews.namon@epa.gov](mailto:mathews.namon@epa.gov).

Sincerely,



James D. Giattina  
Director  
Water Protection Division

Enclosure

cc: Mr. Brian Wisnewski  
Water Pollution Compliance & Enforcement



# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 12/31/2014 12:00:00 AM

## Permit SC0021776

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
DILLON/LITTLE PEE DEE	0	Major	4/28/14	6/1/14	5/31/19
DILLON/LITTLE PEE DEE	1	Major	3/26/07	5/1/07	9/30/11

Version # 0

### Outfall 0011

#### 00610 Nitrogen, ammonia total [as N] / Location 1 / Season 6 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
6/1/14	5/31/19	COMP24	Weekly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG
Limit Value	33.4	50	1	1.5
DMR Values				
6/30/14	86	238.4	5.9	13.6
9/30/14	47.5	69.1	3.4	4.6

### Outfall 0021

#### 00530 Solids, total suspended / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
6/1/14	5/31/19	COMP24	Weekly

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	WKLY AVG
Limit Value	45
DMR Values	
11/30/14	64.6

**DMR Effluent Violations and Nonreceipt**  
**\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\***  
**1/1/2012 12:00:00 AM to 12/31/2014 12:00:00 AM**

**Permit SC0021776**

**Version # 0**

**Outfall 0031**

**00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
6/1/14	5/31/19	COMP24	Weekly

<b>Limit</b>	
Limit Unit Desc	Milligrams per Liter
Statistical Base	WKLY AVG
Limit Value	85
<b>DMR Values</b>	
7/31/14	70.6

**50050 Flow, In conduit or thru treatment plant / Location 1 / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
6/1/14	5/31/19	CONTIN	Daily

<b>Limit</b>		
Limit Unit Desc	Million Gallons per Day	Million Gallons per Day
Statistical Base	MO AVG	WKLY AVG
Limit Value	1	1
<b>DMR Values</b>		
7/31/14		1.037
11/30/14		1.151
12/31/14	1.001	1.444





# DMR Effluent Violations and Nonreceipt

\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\*

1/1/2012 12:00:00 AM to 12/31/2014 12:00:00 AM

Permit SC0021776

Version # 0

Outfall 01A1

00310 BOD, 5-day, 20 deg. C / Location 1 / Season 5 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
8/1/14	4/30/17	COMP24	Weekly

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	WKLY AVG
Limit Value	22.5
DMR Values	
12/31/14	24.1

00530 Solids, total suspended / Location 1 / Season 5 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
8/1/14	4/30/17	COMP24	Weekly

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	WKLY AVG
Limit Value	45
DMR Values	
11/30/14	64.6

50060 Chlorine, total residual / Location 1 / Season 5 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
8/1/14	4/30/17	GRAB	Weekly

Limit	
Limit Unit Desc	Milligrams per Liter
Statistical Base	MO AVG
Limit Value	.098
DMR Values	
11/30/14	Not Received

Outfall 01D1

TCP3B %Effect Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / B

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
8/1/14	5/31/19	COMP24	Three per Quarter

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	MO AVG	DAILY MX
Limit Value	25	40
DMR Values		
8/31/14	30	50
11/30/14	31	

2/9/15 11:21 AM

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**DMR Effluent Violations and Nonreceipt**  
**\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\***  
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**Permit SC0021776**

**Version # 1**

**Outfall 0011**

**00300 Oxygen, dissolved [DO] / Location 1 / Season 6 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	GRAB	Daily

<b>Limit</b>	
Limit Unit Desc	Milligrams per Liter
Statistical Base	INST MIN
Limit Value	8
<b>DMR Values</b>	
7/31/13	5.95

**00610 Nitrogen, ammonia total [as N] / Location 1 / Season 6 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	COMP24	Weekly

<b>Limit</b>				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG
Limit Value	33	50	1	1.5
<b>DMR Values</b>				
6/30/13				2.4
7/31/13	161.6	402.5	5.8	14.9
8/31/13	70	145.5	2.4	5.3
9/30/13	67	132.2	2.7	6.2
10/31/13		53.8	1.3	3.8
3/31/14	150.5	173.2	7.5	9.3
4/30/14	100.5	180.1	4.2	7.2
5/31/14	71	237.1	4.2	12.8

**50050 Flow, in conduit or thru treatment plant / Location 1 / Season 6 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	CONTIN	Daily

<b>Limit</b>	
Limit Unit Desc	Million Gallons per Day
Statistical Base	WKLY AVG
Limit Value	4
<b>DMR Values</b>	
7/31/13	4.857

**DMR Effluent Violations and Nonreceipt**  
**\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\***  
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**Permit SC0021776**

**Version # 1**

**Outfall 0011**

**81010 BOD, 5-day, percent removal / Location 1 / Season 6 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	CALCTD	Monthly

Limit	
Limit Unit Desc	Percent
Statistical Base	MINIMUM
Limit Value	85
DMR Values	
10/31/13	98.3

**Outfall 0014**

**TCP3B %Effect Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / B**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	COMP24	Three per Quarter

Limit		
Limit Unit Desc	Percent	Percent
Statistical Base	QTR AVG	DAILY MX
Limit Value	25	40
DMR Values		
7/31/13	59	68
10/31/13		47
4/30/14		52



**DMR Effluent Violations and Nonreceipt**  
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**1/1/2012 12:00:00 AM to 12/31/2014 12:00:00 AM**

**Permit SC0021776**

**Version # 1**

**Outfall 0015**

**00310 BOD, 5-day, 20 deg. C / Location 1 / Season 5 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	COMP24	Weekly

Limit		
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG
Limit Value	15	22.5
DMR Values		
12/31/13	15.6	23.4

**00610 Nitrogen, ammonia total [as N] / Location 1 / Season 5 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	COMP24	Weekly

Limit		
Limit Unit Desc	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG
Limit Value	7	10.5
DMR Values		
2/29/12	10.6	12.9
12/31/13	8	12.9
1/31/14		16.5

**81011 Solids, suspended percent removal / Location 1 / Season 5 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	CALCTD	Monthly

Limit	
Limit Unit Desc	Percent
Statistical Base	MINIMUM
Limit Value	85
DMR Values	
11/30/13	75.4
1/31/14	62

**DMR Effluent Violations and Nonreceipt**  
**\*\*\* Region 4 Certified, Ver. 2.0, 10/14/2010 \*\*\***  
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**Permit SC0021776**

**Version # 1**

**Outfall 0031**

**00310 BOD, 5-day, 20 deg. C / Location 1 / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	COMP24	Weekly

Limit				
Limit Unit Desc	Pounds per Day	Pounds per Day	Milligrams per Liter	Milligrams per Liter
Statistical Base	MO AVG	WKLY AVG	MO AVG	WKLY AVG
Limit Value	375	563	45	65
<b>DMR Values</b>				
4/30/12	135.5	281.3	27.6	62.7
5/31/12	175.7	299	27.8	61.7
6/30/12	151.4	352.9	27.5	65.5

**50050 Flow, in conduit or thru treatment plant / Location 1 / Season 0 / Base**

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
5/1/07	9/30/11	CONTIN	Daily

Limit		
Limit Unit Desc	Million Gallons per Day	Million Gallons per Day
Statistical Base	MO AVG	WKLY AVG
Limit Value	1	1
<b>DMR Values</b>		
5/31/12		1.502
8/31/12		1.262
2/28/13		1.071
6/30/13		1.207
7/31/13	1.052	1.425
2/28/14	1.091	1.433
3/31/14		1.359